

# EXHIBIT

## P10

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2 JANE DOE, et al., : UNITED STATES DISTRICT COURT  
3 Plaintiff : MIDDLE DISTRICT OF PENNSYLVANIA  
4 v. :  
5 SCHUYLKILL COUNTY : CIVIL DOCKET NO:  
6 COURTHOUSE, et al., : 3:21-CV-00477  
7 Defendants :  
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9 \*\*\*

10 VOLUME I

11 \*\*\*

12 TRANSCRIPT MARKED CONFIDENTIAL

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18 VIDEOTAPE DEPOSITION OF DOREEN KUTZLER

19 taken at the the Law Offices of Margolis  
20 Edelstein, 214 Senate Avenue, Suite 402, Camp  
21 Hill, Pennsylvania 17011 on Wednesday, January 25,  
22 2023 at 9:01 a.m. before Coleen Trifun, RPR and  
23 Notary Public.  
24

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4 ALYSSA DEBISE, PARALEGAL

5 ANGELA TOOMEY (Via Zoom)

6 DENISE GERCHAK (Via Zoom)

7 GEORGE HALCOVAGE (Via Zoom)

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1 DIRECTION TO WITNESS NOT TO ANSWER

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13 REQUEST FOR PRODUCTION OF DOCUMENTS

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<p>Page 7</p> <p>1 THE COURT REPORTER: Would you like</p> <p>2 a copy of the transcript?</p> <p>3 MR. LEES: Yes.</p> <p>4 - - -</p> <p>5 VIDEOGRAPHER: We are now on the</p> <p>6 record. Today's date is January 25, 2023, and the</p> <p>7 time is approximately 9:01 a.m. This is the</p> <p>8 recorded video deposition of Doreen Kutzler,</p> <p>9 Volume 1, in the matter of Jane Doe et al versus</p> <p>10 Schuylkill County Courthouse et al. This</p> <p>11 deposition is being held at 214 Senate Avenue in</p> <p>12 Camp Hill, Pennsylvania. My name is Alicia Katz</p> <p>13 from Everest Court Reporting and I'm the video</p> <p>14 specialist. The court reporter today is Coleen</p> <p>15 Trifun, also from Everest Court Reporting.</p> <p>16 Counsel will now state their</p> <p>17 appearance for the record.</p> <p>18 MS. SMITH: Good morning.</p> <p>19 Catherine Smith on behalf of the plaintiff.</p> <p>20 Appearing by Zoom or observing by Zoom are</p> <p>21 Plaintiff Doe 3 and 4, Ms. Toomey and Ms. Gerchak,</p> <p>22 as well my paralegal Alyssa Debose is present in</p> <p>23 the room with me.</p> <p>24 MR. LEES: Paul Lees for Defendant</p>	<p>Page 9</p> <p>1 represent the plaintiffs Jane Doe 1, 2, 3, and 4</p> <p>2 in the matter against Schuylkill County.</p> <p>3 My first question for you is: Have you</p> <p>4 been advised of the confidentiality agreement in</p> <p>5 this matter?</p> <p>6 A. As far as..?</p> <p>7 Q. That the contents of the deposition and</p> <p>8 the matter are --</p> <p>9 A. Yes.</p> <p>10 Q. -- not to be disclosed to anyone?</p> <p>11 A. Yes.</p> <p>12 Q. Outside of your counsel and --</p> <p>13 A. Sure.</p> <p>14 Q. -- people that counsel tell you that you</p> <p>15 may disclose it to.</p> <p>16 A. Sure.</p> <p>17 Q. Okay.</p> <p>18 Have you spoken -- and I don't want to</p> <p>19 know the contents -- but have you spoken with your</p> <p>20 attorney regarding the procedures for the taking</p> <p>21 of your deposition today?</p> <p>22 A. Yes.</p> <p>23 Q. And you understand that you've been</p> <p>24 placed under oath and that you have an obligation</p>
<p>Page 8</p> <p>1 Kutzler.</p> <p>2 MS. WYNKOOP: Meghan Wynkoop --</p> <p>3 MR. GEIGER: Gerry Geiger for</p> <p>4 Commissioner Halcovage, who is also on Zoom with</p> <p>5 us just now.</p> <p>6 MS. WYNKOOP: Meghan Wynkoop on</p> <p>7 behalf of Glenn Roth.</p> <p>8 MS. PIPAK: Maria Pipak for</p> <p>9 Schuylkill County, Gary Bender and Heidi Zula.</p> <p>10 MS. MENDEZ: Jocelyn Mendez on</p> <p>11 behalf of Glenn Roth.</p> <p>12 - - -</p> <p>13 DOREEN KUTZLER, having been first duly</p> <p>14 sworn, was examined and testified as follows:</p> <p>15 - - -</p> <p>16 Examination</p> <p>17 - - -</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Let me ask you this first question: How</p> <p>20 do I say your last name correctly?</p> <p>21 A. Kutzler.</p> <p>22 Q. Kutzler. Okay.</p> <p>23 Good morning, Ms. Kutzler. My name is</p> <p>24 Catherine Smith. We met off the record. I</p>	<p>Page 10</p> <p>1 to testify truthfully?</p> <p>2 A. Yes.</p> <p>3 Q. You understand that even though we are</p> <p>4 in an informal conference room, your testimony has</p> <p>5 the same force and effect as if you were</p> <p>6 testifying in a court of law before a judge or a</p> <p>7 jury?</p> <p>8 A. Yes.</p> <p>9 Q. Do you understand that the court</p> <p>10 reporter will take down everything that is said</p> <p>11 during the deposition and it will later be</p> <p>12 transcribed in order to read like a script?</p> <p>13 A. Yes.</p> <p>14 Q. Do you understand that the court</p> <p>15 reporter can not transcribe inaudible responses</p> <p>16 such as the nod of the head?</p> <p>17 A. Yes.</p> <p>18 Q. Do you understand that you should wait</p> <p>19 for the complete question to be asked before</p> <p>20 responding, and likewise, I will wait for your</p> <p>21 complete answer before I ask my next question?</p> <p>22 A. Yes.</p> <p>23 Q. If you do not understand a question or</p> <p>24 if you think that it was ambiguous, please let me</p>



<p>Page 11</p> <p>1 know and I will rephrase the question.</p> <p>2 Do you understand?</p> <p>3 A. Yes.</p> <p>4 Q. Do you agree that if you do not</p> <p>5 otherwise indicate, I will assume that you've</p> <p>6 understood my question?</p> <p>7 A. Yes.</p> <p>8 Q. If at any point you realize that an</p> <p>9 answer you gave earlier was inaccurate or</p> <p>10 incomplete or you remember the information</p> <p>11 necessary to answer it, please let me know and you</p> <p>12 will be allowed to supplement your answer.</p> <p>13 Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. I'm not going to ever ask you to</p> <p>16 completely speculate and you shouldn't do so. I</p> <p>17 may ask you a general time frame, a year, a month,</p> <p>18 as close as you can get, but I won't ask you to --</p> <p>19 I don't want you to guess for any answers.</p> <p>20 Do you understand that?</p> <p>21 A. Yes.</p> <p>22 Q. Have you recently consumed any</p> <p>23 medication or alcohol or any other substance which</p> <p>24 impairs your ability to testify truthfully here</p>	<p>Page 13</p> <p>1 to do these under the usual stipulations that</p> <p>2 we've been doing all the other depositions?</p> <p>3 MS. SMITH: Yes. Confidentiality,</p> <p>4 objection to form, and privilege only, correct?</p> <p>5 MR. LEES: Correct. And -- and</p> <p>6 we'll reserve reading and signing.</p> <p>7 MS. SMITH: Okay.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Ms. Kutzler, periodically throughout the</p> <p>10 deposition I'm going to refer to a couple of</p> <p>11 individuals. If I refer to Ms. Kleckner, do you</p> <p>12 understand that to I'm referring to Marcy Kleckner</p> <p>13 or Plaintiff Jane Doe 1?</p> <p>14 A. Yes.</p> <p>15 Q. Ms. Good -- Melissa Goodman or Ms.</p> <p>16 Goodman that I am referring to Melissa Goodman,</p> <p>17 Jane Doe 2?</p> <p>18 A. Yes.</p> <p>19 Q. Ms. Toomey or Ms. Angela Toomey that I</p> <p>20 am referring to Jane Doe 3?</p> <p>21 A. Yes.</p> <p>22 Q. And Ms. Denise Gerchak or Denise or Ms.</p> <p>23 Gerchak that I am referring to Jane Doe 4?</p> <p>24 A. Yes.</p>
<p>Page 12</p> <p>1 today?</p> <p>2 A. No.</p> <p>3 Q. Is there any other reason you can think</p> <p>4 of as to why you're not able to testify truthfully</p> <p>5 here today?</p> <p>6 A. No.</p> <p>7 Q. Do you understand the instructions I've</p> <p>8 given you?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 Only other instruction is if at any</p> <p>12 point you need to take a break, please just let me</p> <p>13 know.</p> <p>14 A. Okay.</p> <p>15 Q. Only request I have is if there's a</p> <p>16 question posed to you, that you answer it and then</p> <p>17 we'll take a break.</p> <p>18 A. Okay.</p> <p>19 Q. Do you have any questions for me</p> <p>20 regarding your deposition?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 Ms. --</p> <p>24 MR. LEES: Catherine, we're going</p>	<p>Page 14</p> <p>1 Q. Likewise, if I refer to the county, do</p> <p>2 you understand that I am referring to the County</p> <p>3 of Schuylkill?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Thank you.</p> <p>6 Ms. Kutzler, who is your current</p> <p>7 employer?</p> <p>8 A. Hubric Resources.</p> <p>9 Q. And how long have you been employed</p> <p>10 there?</p> <p>11 A. October of 2019, so three years. A</p> <p>12 little more than three years.</p> <p>13 Q. And what is your job title or role</p> <p>14 there?</p> <p>15 A. Senior human resources consultant.</p> <p>16 Q. Is that the job you've held since 2019</p> <p>17 or have you been promoted?</p> <p>18 A. It's been the same.</p> <p>19 Q. As I told you off the record, I'm</p> <p>20 periodically going to provide you with documents.</p> <p>21 A. Uh-huh.</p> <p>22 Q. They will be marked and I will reference</p> <p>23 them.</p> <p>24 MS. SMITH: So the first one I'm</p>

<p>Page 15</p> <p>1 going to mark is what's been Bates stamped Kutzler 2 7 through 9. 3 It might have zeros in from of it, 4 Matt, but I am just going to refer to those. 5 --- 6 (Kutzler 7-9 marked as Exhibit-275 for 7 identification.) 8 --- 9 MS. SMITH: And this is going to be 10 275. 11 BY MS. SMITH: 12 Q. Ms. Kutzler, do you recognize this 13 document? 14 A. Yes. 15 Q. Actually, sorry. 16 Some of this might be just a slight 17 delay when I give you the document because we have 18 to make sure that it's projected on Zoom for some 19 of the -- 20 A. Okay. 21 Q. -- individuals who are observing. 22 All right. Now we have it up. 23 And you said you did recognize this 24 document?</p>	<p>Page 17</p> <p>1 JFK University. 2 Is that accurate? 3 A. No longer. 4 Q. Did you complete that or did you just 5 forego the degree? 6 A. I did not complete it. 7 Q. And you're not still attending? 8 A. Correct. 9 Q. Did you receive your high school 10 diploma, GED, or an equivalent? 11 A. High school diploma. 12 Q. Did you study at any other college or 13 post-secondary school? 14 A. Yes. 15 Q. Where was that? 16 A. University of Phoenix and Strayer 17 University. 18 Q. Did you receive a degree from either? 19 A. No. 20 Q. Your resume, by my count, lists seven 21 employers dating back to 1991. 22 Were you terminated or involuntarily 23 discharged from any of the employers listed on 24 your resume?</p>
<p>Page 16</p> <p>1 A. Yes. 2 Q. Okay. 3 And what is this document? 4 A. This is a resume. 5 Q. Is this your resume? 6 A. It is. 7 Q. Okay. 8 And did you create this document? 9 A. Yes. 10 Q. Do you recall when? 11 A. Would have been in October of 2019 when 12 I started with Hubric Resources. 13 Q. Okay. 14 Is everything in this resume accurate? 15 A. Yes. 16 Q. Have there been any changes or are there 17 any updates to any of the information in this 18 resume since it was created? 19 A. No. 20 Q. On Page 3 of this document under 21 education. 22 A. Yes. 23 Q. It indicates that you're pursuing a 24 bachelor of arts in management and leadership at</p>	<p>Page 18</p> <p>1 A. No. 2 Q. Were any of these employers county 3 governments? 4 A. The Berks County Intermediate Unit is 5 part of the school system. 6 Q. Okay. 7 A. I guess it's not -- it falls under the 8 Pennsylvania Higher Education Agency. 9 Q. Any others? 10 A. No. 11 Q. In any of those positions, did you 12 have -- the -- the seven employers listed on your 13 resume, did you have any -- receive any training 14 or experience related to county tax claims or tax 15 assessments? 16 A. No. 17 Q. Your resume indicates that you have -- 18 it's in that first paragraph there on Page 1 -- 19 30-plus years of comprehensive human resource -- 20 resources experience; is that correct? 21 A. Yes. 22 Q. Do you have any specialize training 23 related to human resources? 24 A. As far as certifications?</p>

<p style="text-align: right;">Page 19</p> <p>1 Q. Well, it could include certifications, 2 yes. But even just on-job training? 3 A. Yeah. I have -- over the course of my 4 career, I have specialized in benefit 5 administration and management. 6 Q. Did you receive a certification for 7 that? 8 A. No. 9 Q. Okay. 10 Is there -- so let's maybe start with 11 the certifications or licenses. 12 Do you hold any certification, license, 13 degree of -- any sort of certificate that relates 14 to human resources? 15 A. No. 16 Q. Okay. 17 But you did specialize in benefit 18 administration -- 19 A. Yes. 20 Q. -- throughout your career? 21 Do you hold any licenses or certificates 22 related to county tax claim or tax assessment? 23 A. No. 24 Q. Was -- would it be fair to say that the</p>	<p style="text-align: right;">Page 21</p> <p>1 Would you agree? 2 A. Yes. 3 Q. Okay. 4 You were employed by Hubric Resources in 5 September of 2020, correct? 6 A. October of 2019. 7 Q. Right. 8 So you were employed there in September? 9 A. Yes. 10 Q. Right? 11 A. Yes. 12 Q. 2020. 13 Were you involved in this -- so let me 14 ask you this: Around September 11t of 2020, 15 Hubric Resources entered into a consultation 16 agreement with the County of Schuylkill, correct? 17 A. Yes. 18 Q. Were you involved in those negotiations 19 at all? 20 A. No. 21 Q. Okay. 22 So can you walk me through or tell me 23 what, if anything, you were told or instructed 24 after the agreement was entered into?</p>
<p style="text-align: right;">Page 20</p> <p>1 first time you ever dealt with any sort of tax 2 claim or tax assessment for a county was at 3 Schuylkill County? 4 A. Yes. 5 Q. You can put that document aside. 6 Going to look at what's been marked as 7 Kutzler 17 and 18. 8 MS. SMITH: And that will be 276 9 for today's purposes. 10 --- 11 (Kutzler 17-18 marked as Exhibit-276 for 12 identification.) 13 --- 14 BY MS. SMITH: 15 Q. Do you recognize this document? 16 A. Yes. 17 Q. And this is a -- this is titled 18 consultant confidentiality and nondisclosure 19 agreement. 20 Do you see that? 21 A. Yes. 22 Q. And it's an agreement entered into on 23 September 11, 2020, between Hubric Resources and 24 the board of commissioners with Schuylkill County.</p>	<p style="text-align: right;">Page 22</p> <p>1 A. Yes. So Tom Hubric, who is the 2 president Hubric Resources, manages and 3 facilitates all contracts with our clients. So he 4 develops these contracts based upon the 5 discussions that he has with each client and then 6 he summarizes what my responsibilities will be for 7 the client, such as interim HR support services. 8 Q. Okay. 9 And are you informed of what the 10 contents of the contract say? 11 A. Not specifically. 12 Q. Okay. 13 You're not provided a copy of the 14 contract? 15 A. No. 16 Q. You're just provided an instruction or 17 description of what your duties will be? 18 A. Yes. 19 Q. Okay. 20 Do you know who for the county was 21 involved in the contract negotiations? 22 A. My understanding was it was a 23 conversation between Tom and Mr. Bender. 24 Q. Are there other individuals who hold</p>

Page 23	Page 25
<p>1 your role at Hubric Resources?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And do you know how it came to be that</p> <p>5 you were selected for the role?</p> <p>6 A. It all depends on our workload. So if</p> <p>7 some of us have more time available and if any of</p> <p>8 us have experience with like agencies or clients,</p> <p>9 so if I had prior county experience, I would be</p> <p>10 more likely to be assigned to that client.</p> <p>11 Q. Okay.</p> <p>12 But you didn't have prior county</p> <p>13 experience?</p> <p>14 A. Correct.</p> <p>15 Q. So do you know why you were selected for</p> <p>16 this contract?</p> <p>17 A. I did some work with a local township</p> <p>18 and we do -- probably two-thirds of our clients</p> <p>19 are nonprofit agencies, so knowing that the county</p> <p>20 is nonprofit and based upon my availability, would</p> <p>21 have been the primary reasoning behind me being</p> <p>22 selected.</p> <p>23 Q. Was your selection more of a discussion</p> <p>24 between you and someone with Hubric Resources or</p>	<p>1 A. Yes.</p> <p>2 Q. And how often was that?</p> <p>3 A. Monday through Friday.</p> <p>4 Q. Okay.</p> <p>5 The direction or instructions that you</p> <p>6 were given as to what you would need to provide to</p> <p>7 the county in this contract, was that in writing</p> <p>8 or was it an in-person discussion?</p> <p>9 A. In-person discussion.</p> <p>10 Q. Did you take any notes?</p> <p>11 A. No.</p> <p>12 Q. Do you recall what you were told?</p> <p>13 A. That I would provide interim HR services</p> <p>14 and facilitate the day-to-day operations of the HR</p> <p>15 department.</p> <p>16 Q. Were you informed about who, if anyone,</p> <p>17 you would supervisor?</p> <p>18 A. Yes.</p> <p>19 Q. And who was that?</p> <p>20 A. That was Heather Garrity, the HR</p> <p>21 specialist, and risk -- assistant risk manager,</p> <p>22 Elaine Fucci, who was the benefits specialist, who</p> <p>23 is -- and Ann Kraft who is an HR assistant.</p> <p>24 Q. What, if any information, were you given</p>
Page 24	Page 26
<p>1 was it an assignment?</p> <p>2 A. Tom asks what our bandwidth is, if you</p> <p>3 will, and what availability we would have, because</p> <p>4 knowing that this was going to be a full-time</p> <p>5 assignment, so 40 hours a week on average, it --</p> <p>6 he would have asked me whether or not I could</p> <p>7 support the client.</p> <p>8 Q. And other than kind of what you</p> <p>9 described as your bandwidth, were -- was there any</p> <p>10 other information provided to you in order for</p> <p>11 those discussions to occur to decide if you were a</p> <p>12 good fit for the county?</p> <p>13 A. No.</p> <p>14 Q. Did you interview or speak with anyone</p> <p>15 at the county?</p> <p>16 A. No.</p> <p>17 Q. Do you live in Schuylkill County?</p> <p>18 A. No. In Berks County.</p> <p>19 Q. Okay.</p> <p>20 So when you agreed to take the</p> <p>21 assignment or it was assigned to you, did you --</p> <p>22 were you told or were you aware of how often you</p> <p>23 would need to be present at Schuylkill County</p> <p>24 Courthouse?</p>	<p>1 about the plaintiffs' allegations before beginning</p> <p>2 your consultation work for the county?</p> <p>3 A. We had a discussion on September 3rd</p> <p>4 regarding the responsibilities that I would have</p> <p>5 and there was mention of the harassment case.</p> <p>6 Q. Okay.</p> <p>7 So who is the, we, that you say had a</p> <p>8 discussion?</p> <p>9 A. Myself, Tom Hubric, Mr. Bender, Ms.</p> <p>10 Twigg.</p> <p>11 Q. Where did this conversation take place?</p> <p>12 A. The HR conference room.</p> <p>13 Q. Do you know, had the contract been</p> <p>14 signed at that point?</p> <p>15 A. No.</p> <p>16 Q. And when you say HR conference room,</p> <p>17 that's the one at the county, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 You said there was mention, I think, of</p> <p>21 the harassment claims, was the words you used.</p> <p>22 Can you be more specific as to what was mentioned</p> <p>23 or discussed, how in depth or not in depth it was?</p> <p>24 A. Just that there were charges filed</p>

<p>Page 27</p> <p>1 through the EEOC against Commissioner Halcovage</p> <p>2 with individuals out of the tax assessment office.</p> <p>3 Q. Were you informed that Defendant Bender,</p> <p>4 Mr. Gary Bender, had been named a respondent in</p> <p>5 the EEOC charge at that time?</p> <p>6 A. I did not know that at the time.</p> <p>7 Q. Were you informed that County Solicitor</p> <p>8 Glenn Roth and -- and risk manager Glenn Roth was</p> <p>9 also named a respondent at that time?</p> <p>10 A. No. We did not discuss specifics.</p> <p>11 Q. Were you provided a copy of any of the</p> <p>12 allegations of the plaintiffs?</p> <p>13 A. Not at that initial meeting.</p> <p>14 Q. Were you paid by the county or by Hubric</p> <p>15 Resources during your time there?</p> <p>16 A. Hubric Resources.</p> <p>17 Q. After this initial September 3rd, and</p> <p>18 that's September 3, 2020, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 After that initial September 3, 2020,</p> <p>22 meeting, when is the next time that you met with</p> <p>23 anyone from the county regarding your work there?</p> <p>24 A. I started my assignment on Friday,</p>	<p>Page 29</p> <p>1 Q. Do you remember when's the first time</p> <p>2 that you referenced them?</p> <p>3 A. I don't remember that specifically.</p> <p>4 Q. Did you -- did you, if you know, provide</p> <p>5 your resume to anyone at the county before you</p> <p>6 began doing consultation work there?</p> <p>7 A. Tom would have provided it to Mr.</p> <p>8 Bender.</p> <p>9 Q. At the time that you started at the</p> <p>10 county, Defendant Halcovage was a county</p> <p>11 commissioner, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did you know Defendant Halcovage before</p> <p>14 you began doing consultation work for the county?</p> <p>15 A. No.</p> <p>16 Q. At some point you did meet him, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall where you first met him?</p> <p>19 A. I think it was in the Hoffman room.</p> <p>20 Q. Do you know how soon after you started?</p> <p>21 A. Within a week.</p> <p>22 Q. Do you know, was it a commissioner's</p> <p>23 meeting, meeting just with you and him or what was</p> <p>24 the -- what was going on in the Hoffman room?</p>
<p>Page 28</p> <p>1 September 4th. So Deb Twigg and I met for the</p> <p>2 entire day with a -- based upon a knowledge</p> <p>3 transfer. So she was getting me up to speed on</p> <p>4 everything that was happening within the HR</p> <p>5 department.</p> <p>6 Q. Okay.</p> <p>7 And at that time, what, if any,</p> <p>8 discussions were held concerning the plaintiffs</p> <p>9 claims against the county?</p> <p>10 A. She did go into specifics regard the</p> <p>11 four plaintiffs and Commissioner Halcovage and</p> <p>12 the -- some of the allegations. And then she</p> <p>13 shared with me her investigation.</p> <p>14 Q. When you say she shared with -- with you</p> <p>15 her investigation, did she share just the contents</p> <p>16 or were you shown some sort of report or document?</p> <p>17 A. The summary memo.</p> <p>18 Q. Were you provided a copy of any of her</p> <p>19 investigation final notes?</p> <p>20 A. I was made aware of where they were</p> <p>21 located within the HR office in case I needed to</p> <p>22 reference them.</p> <p>23 Q. Did you ever reference them?</p> <p>24 A. Yes.</p>	<p>Page 30</p> <p>1 A. Sure. So Tom and I were present with</p> <p>2 Mr. Bender, Mr. Halcovage, I don't remember if</p> <p>3 Commissioner Hetherington was there, but I think</p> <p>4 Commissioner Hess was there.</p> <p>5 Q. Okay.</p> <p>6 And --</p> <p>7 A. Oh, Mr. Roth.</p> <p>8 Q. And what was the purpose of this</p> <p>9 meeting?</p> <p>10 A. Introductions.</p> <p>11 Q. So your introduction to those other</p> <p>12 employees or county officials?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 Did someone run the meeting?</p> <p>16 A. No, not specifically.</p> <p>17 Q. Tell me what happened, what you</p> <p>18 observed, what was said at this meeting.</p> <p>19 A. It was introductions regarding -- to --</p> <p>20 to the commissioners and the individuals in the</p> <p>21 room. And Mr. Bender provided a summary of what</p> <p>22 my responsibilities would be and Tom reiterated</p> <p>23 that my support would be to help facilitate the</p> <p>24 day-to-day operations of the HR department.</p>



<p>Page 31</p> <p>1 Q. Was the summary responsibilities 2 provided by Mr. Bender in writing or just verbal? 3 A. Verbal. 4 Q. Do you recall what he conveyed to you? 5 He -- 6 A. No. 7 Q. -- being Mr. Bender. 8 A. No, not specifically. 9 Q. During this meeting, was anything 10 discussed regarding the plaintiffs' claims? 11 A. Yes. 12 Q. What was discussed? 13 A. That the claim was first brought to the 14 county's attention in May and that the EEO charges 15 were brought in July of 2020. 16 Q. Anything else, other than that? 17 A. No. 18 Q. What did you understand your 19 responsibilities to be regarding the plaintiffs' 20 claims at that time? 21 A. Well, the investigation was completed 22 and Mr. Bender had explained that, as the county 23 administrator, he had over site for the 24 administrative offices such as tax claim, tax</p>	<p>Page 33</p> <p>1 Q. Okay. 2 And so I don't think you answered my 3 question, it's fine, because I got some of the 4 information -- 5 A. Okay. 6 Q. -- I needed. 7 But so my question was: What was your 8 understanding of what you needed to do in regards 9 to the plaintiffs' claims? 10 MR. LEES: Just note my objection 11 to the form. 12 You can answer. 13 THE WITNESS: Okay. 14 As far as day-to-day operations? 15 BY MS. SMITH: 16 Q. Just the -- were you supposed to conduct 17 any new investigation? Were you supposed -- was 18 there anything specific that you were instructed 19 to do related to the plaintiffs' claims? 20 A. No. 21 Q. Okay. 22 Had you had any experience with, I'll 23 call them employers or companies, that had elected 24 officials involved?</p>
<p>Page 32</p> <p>1 assessment, HR physical, fiscal, engineer, and 2 real estate. So he did explain to me the 3 differences between the administrative offices and 4 the row offices. 5 And that the row officers, you know, had 6 responsibility for managing their own departments 7 or offices within the courthouse, where as Mr. 8 Bender managed all of the administrative offices. 9 So all of those directors, assistant directors 10 reported up through him directly. 11 Q. Okay. 12 So did you understand that tax claim -- 13 the tax claim bureau and tax assessment office, 14 they were both administrative offices? 15 A. Yes. 16 Q. And they both reported to Defendant 17 Bender? 18 A. Yes. 19 Q. And HR human resources, as well was an 20 administrative office? 21 A. Yes. 22 Q. And so did you understand that you 23 reported to Defendant Bender? 24 A. Yes.</p>	<p>Page 34</p> <p>1 A. No. 2 Q. Okay. 3 Did you do any research or conduct any 4 investigation of your own to figure out what a 5 power or authority in HR department had over 6 elected officials? 7 A. No. 8 Q. Did you ever speak with any of Hubric's 9 attorneys or the county's attorneys to figure out 10 what power or authority human resources had over 11 an elected official? 12 A. No. 13 MS. PIPAK: Note my objection based 14 on attorney-client privilege. But it's fine, I 15 think she already answered. 16 MS. SMITH: What's that? 17 MS. PIPAK: I was objecting on the 18 basis of attorney-client privilege, but I think 19 she already answered that, so... 20 MS. SMITH: Okay. Well, then -- 21 then on that note, we do need to discuss the 22 advice of counsel. Are you guys doing to be 23 asserting it or will you be waiving it? 24 MS. PIPAK: Well, this is a</p>

<p>Page 35</p> <p>1 different issue, but this -- that's not a blanket,  2 you get to ask anything about any attorney-client  3 privilege in the case. But we are not asserting  4 the defense -- an advice of counsel defense, but  5 that question doesn't have anything to do with  6 that.</p> <p>7 MS. SMITH: Okay.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. What, if anything, did you know about  10 Defendant Halcovage before you begin doing  11 consulting work for Schuylkill County?</p> <p>12 A. Nothing.</p> <p>13 Q. When you met Defendant Halcovage, can  14 you tell what your thoughts, opinions, feelings  15 were about him? What your impression was?</p> <p>16 A. He's a snake.</p> <p>17 Q. Why do you say that?</p> <p>18 A. So within the first week that I started  19 working at the county, I think it was the  20 following Friday, I was leaving, exiting the  21 building, and he had been at the top of the steps.  22 And as I exited the HR department, he saw me  23 coming out and he waited part way down the steps.  24 And when I got to the top of the steps, he waited</p>	<p>Page 37</p> <p>1 responsibilities under the contract to your  2 fullest ability?</p> <p>3 MR. LEES: Just note my objection  4 to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: As an HR  7 professional?</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Yes.</p> <p>10 So I guess I can rephrase it.</p> <p>11 Do you believe that -- that any of the  12 officials or employees of Schuylkill County  13 hindered your ability to fully do what you were  14 there to do?</p> <p>15 A. I wouldn't say hinder.</p> <p>16 Q. Okay.</p> <p>17 A. Because I voiced my professional opinion  18 to them on several occasions.</p> <p>19 Q. Okay.</p> <p>20 So you voiced.</p> <p>21 A. Uh-huh.</p> <p>22 Q. Do you think that they listened it to?</p> <p>23 A. No.</p> <p>24 Q. Okay.</p>
<p>Page 36</p> <p>1 for me and he said, oh, I'll walk out with you.  2 And as we got closer to one another, I  3 had a bag filled with my computer and files and  4 personal items. And he reached for it and said my  5 mom always told me to respect women, let me get  6 your bag for you. And I said no, George, I got  7 it. And he tried to carry it for me. And I said  8 no, George, I have it and I had to yank it out of  9 his hand in order to proceed down the steps.</p> <p>10 Q. Ms. Kutzler, as you sit here today, has  11 your opinion of George Halcovage changed?</p> <p>12 A. From when I first met him?</p> <p>13 Q. From when you formed the opinion that  14 you believed he was a snake?</p> <p>15 A. No.</p> <p>16 Q. Do you believe that Defendant Halcovage,  17 as I think you just said he said, respects women?</p> <p>18 A. No.</p> <p>19 Q. Do you believe that Defendant Halcovage  20 took no for an answer from you?</p> <p>21 A. No.</p> <p>22 Q. Ms. Kutzler, as you sit here today, do  23 you believe that the County of Schuylkill and its  24 officials allowed you to perform your duties and</p>	<p>Page 38</p> <p>1 Do you think -- did they do things that  2 were actively in contradiction to your  3 recommendations?</p> <p>4 A. Sometimes.</p> <p>5 Q. All right.</p> <p>6 So Defendant Bender, Gary Bender was the  7 county administrator when you began working at the  8 county, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Did you know him before you began the  11 consultation work?</p> <p>12 A. No.</p> <p>13 Q. Was -- the first time you met him I  14 think you mentioned was the precontract meeting;  15 is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. All right.</p> <p>18 Did you know anything about him before  19 you began --</p> <p>20 A. No.</p> <p>21 Q. -- the consultation work or, I guess,  22 before that meeting?</p> <p>23 A. No.</p> <p>24 Q. What was your opinion of Mr. Bender?</p>

<p>Page 39</p> <p>1 A. Mr. Bender was a great guy. He has his 2 hands full.</p> <p>3 Q. All right.</p> <p>4 So let's go back then to what we were 5 just talking about, about the county not listening 6 to, necessarily, your advice.</p> <p>7 Who was it, you think, at the county 8 that did not listen to your advice?</p> <p>9 A. It's a number of people.</p> <p>10 Q. Okay.</p> <p>11 Let's start with the first one you can 12 think of.</p> <p>13 A. Yeah. Gary listened to me, but based 14 upon his responsibilities, he knew that there were 15 things that would not be agreed to. And certainly 16 from the commissioner's perspective, if they 17 decided that that isn't the path they wanted to 18 take, they didn't take it.</p> <p>19 Q. So let's flush out the his 20 responsibilities statement.</p> <p>21 You said based on his responsibilities, 22 there were just some things he wasn't going to 23 agree to; did I summarize your testimony 24 correctly?</p> <p>Page 40</p> <p>1 A. For Mr. Bender?</p> <p>2 Q. Yes.</p> <p>3 A. Yeah.</p> <p>4 Q. Okay.</p> <p>5 So give -- can you give me an example?</p> <p>6 A. Yeah. Let me think about this for a 7 second. So with -- in relation to the man -- the 8 day-to-day management of the tax claim office and 9 tax assessment, that was his responsibility and I 10 didn't get involved in the day-to-day operations 11 of that.</p> <p>12 Q. Okay.</p> <p>13 A. When the request was made for Jane Doe 1 14 and Jane Doe 2 to work from home, that came to me 15 in -- I was made aware of it in mid October. And 16 that was through Christopher Scott, that request 17 came through, and I was asked to see if --</p> <p>18 MS. PIPAK: I'm going to object to 19 the -- I'm going to object on the basis of 20 attorney-client privilege.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Ms. Kutzler, just based on what you were 23 told, what did you do?</p> <p>24 So you just -- she's obj -- Maria is</p>	<p>Page 41</p> <p>1 objecting because attorney-client privilege. She 2 represents the county.</p> <p>3 A. Right.</p> <p>4 Q. So there is conversations between an 5 attorney and a representative of the county or 6 someone who works for the county. The county 7 holds the privilege, so you can't waive the right 8 to disclose the contents of the conversation.</p> <p>9 A. Okay.</p> <p>10 Q. Only they can. They're not waiving it.</p> <p>11 A. Okay.</p> <p>12 MS. SMITH: I imagine, correct, 13 Maria?</p> <p>14 MS. PIPAK: Correct.</p> <p>15 MS. SMITH: Okay.</p> <p>16 MS. PIPAK: We're not waiving it.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. So I'm not asking you to disclose the 19 conversations between you and Mr. Scott, I don't 20 want to know the contents. Just as a result of 21 what he told you, what were the next things that 22 you did, the steps you took?</p> <p>23 MS. PIPAK: Well -- well, 24 Catherine, I think I'm still asking for</p> <p>Page 42</p> <p>1 attorney-client privilege. I think if you just 2 ask her what she did, not if she did it based on 3 an attorney, that would be okay. But to ask it in 4 that way is getting into attorney-client 5 communications.</p> <p>6 MS. SMITH: Well, she just 7 testified she received a request and I'm asking 8 her what she did next. Her actions are not 9 attorney-client privileged.</p> <p>10 MS. PIPAK: Well, the way you asked 11 that question, I think there's a way that it can 12 be rephrased and we can get that information, but 13 you -- the specific question you asked was based 14 on what the attorney told you to do, what did you 15 do.</p> <p>16 MS. SMITH: Right. And that is not 17 privileged.</p> <p>18 MS. PIPAK: No. You're asking for 19 attorney-client privileged communications.</p> <p>20 MS. SMITH: It is not. It's her 21 action thereafter. It is not the contents of a 22 conversation, it's what she, Ms. Kutzler, did 23 after there was a conversation had, what she did 24 next.</p>
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<p>1 I'll rephrase it.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Not disclosing any contents of any</p> <p>4 conversation with any attorney, and I'm not asking</p> <p>5 you to -- if the next step you took was to talk to</p> <p>6 an attorney, I don't want to know that, all I want</p> <p>7 to know is: What did you do next? What's the</p> <p>8 next thing you did with regards to these -- to</p> <p>9 work-from-home requests you received?</p> <p>10 A. I had a conversation with Mr. Bender.</p> <p>11 Q. Okay.</p> <p>12 A. About their ability to work from home.</p> <p>13 Q. And did you provide Mr. Bender with any</p> <p>14 documents or did you just go in and ask him, hey,</p> <p>15 I got this request, can they work from home?</p> <p>16 A. Correct.</p> <p>17 Q. Okay.</p> <p>18 The latter?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 And what was Mr. Bender's response?</p> <p>22 A. At first he was not in favor of it.</p> <p>23 Anybody that knows Mr. Bender knows that he is a</p> <p>24 little more traditional and old school. So I had</p>	<p>1 Why did you believe that setting them up</p> <p>2 for success to work from home was the appropriate</p> <p>3 route the county should take?</p> <p>4 A. Because Mr. Halcovage was still in the</p> <p>5 county building.</p> <p>6 Q. Okay.</p> <p>7 And why did you think that meant that</p> <p>8 Ms. Goodman and Ms. Kleckner should would work</p> <p>9 from home?</p> <p>10 A. So they wouldn't have to be subjected to</p> <p>11 seeing him.</p> <p>12 Q. So you had read Ms. Twigg's summary</p> <p>13 report, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you had understood that the county,</p> <p>16 based on its investigation, had found that</p> <p>17 Defendant Halcovage committed violations of county</p> <p>18 policies?</p> <p>19 A. Yes.</p> <p>20 Q. Did you -- based off your review of the</p> <p>21 document, did you feel that Defendant Halcovage</p> <p>22 had engaged in sexual harassment?</p> <p>23 A. That is my understanding.</p> <p>24 Q. And do you understand why it would be</p>
Page 44	Page 46
<p>1 conversations and we had discussions about why it</p> <p>2 was the right thing to do for the ladies.</p> <p>3 Q. And these conversations, do you</p> <p>4 recall -- you said you got the requests in the</p> <p>5 middle of October. So was that, as well, when</p> <p>6 this conversation happened?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know where this took place?</p> <p>9 A. In Gary Bender's office in --</p> <p>10 Q. Okay.</p> <p>11 A. -- Mr. Bender's office.</p> <p>12 Q. And this was just you and him present?</p> <p>13 A. Yes.</p> <p>14 Q. And what was your recommendation to Mr.</p> <p>15 Bender?</p> <p>16 A. That we gather the materials needed in</p> <p>17 order for them to be successful in a</p> <p>18 work-from-home situation.</p> <p>19 Q. And just so we're clear and the record</p> <p>20 is clear, this is for Jane Doe 1 and Jane Doe 2,</p> <p>21 Marcy Kleckner and Melissa Goodman?</p> <p>22 A. Yes.</p> <p>23 Q. All right.</p> <p>24 Did you feel -- strike that.</p>	<p>1 uncomfortable for a victim of sexual harassment to</p> <p>2 report to a building where the sex harasser is</p> <p>3 present in?</p> <p>4 A. Absolutely.</p> <p>5 Q. Okay.</p> <p>6 Did you ever discuss with Mr. Bender,</p> <p>7 maybe trying to have Defendant Halcovage relocate</p> <p>8 his work location?</p> <p>9 A. Yes. And I also had conversations with</p> <p>10 Commissioners Hetherington and Hess.</p> <p>11 Q. Okay.</p> <p>12 So let's start with Mr. Bender.</p> <p>13 Did the conversation about relocating</p> <p>14 Defendant Halcovage occur before or after this</p> <p>15 work-from-home conversation we were just</p> <p>16 discussing?</p> <p>17 A. Probably before.</p> <p>18 Q. Okay.</p> <p>19 And so you have a conversation with Mr.</p> <p>20 Bender about George -- Mr. Halcovage working from</p> <p>21 some other location.</p> <p>22 What's that conversation go like?</p> <p>23 A. That it was never going to happen.</p> <p>24 Q. And why -- what was your understanding</p>

<p>Page 47</p> <p>1 of why that was?</p> <p>2 A. Because George wouldn't agree to it.</p> <p>3 Q. What was Gary's comments, thoughts on</p> <p>4 that, if anything?</p> <p>5 A. That he has suggested it. He's</p> <p>6 requested it. He felt that it would be in the</p> <p>7 best interest of the county for Mr. Halcovage to</p> <p>8 either work from home or work from somewhere else.</p> <p>9 Q. And the he had requested, he had</p> <p>10 suggested it was Mr. Bender to Defendant</p> <p>11 Halcovage?</p> <p>12 A. Yes.</p> <p>13 Q. All right.</p> <p>14 And was it your understanding your</p> <p>15 conversations with Mr. Bender that, despite those</p> <p>16 requests, suggestions, and discussion about it</p> <p>17 being in the best interest -- interest of the</p> <p>18 county, Defendant Halcovage still would not do so?</p> <p>19 A. Correct.</p> <p>20 Q. Did you yourself ever talk with</p> <p>21 Defendant Halcovage about a suggestion or working</p> <p>22 from a different location?</p> <p>23 A. No.</p> <p>24 Q. So as a result, I guess of that</p>	<p>Page 49</p> <p>1 Q. This is an e-mail chain between you and</p> <p>2 Ms. Kleckner and there's some other individuals</p> <p>3 cc'd on it, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And this is from October 27, 2020?</p> <p>6 A. Yes.</p> <p>7 Q. So this is shortly after you learned of</p> <p>8 Ms. Kleckner and Ms. Goodman's request to work</p> <p>9 from home.</p> <p>10 Is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. All right.</p> <p>13 So let me ask you this: What was your</p> <p>14 understanding of what Ms. Goodman and Ms.</p> <p>15 Kleckner's work location assignment was when you</p> <p>16 started at the county? So September 4th until you</p> <p>17 received that work-from-home request.</p> <p>18 A. That they were working from home.</p> <p>19 Q. Okay.</p> <p>20 So was it your understanding that they</p> <p>21 had been approved to do so?</p> <p>22 A. That was the understanding I had, yes.</p> <p>23 Q. Okay.</p> <p>24 And then if we look at -- at this</p>
<p>Page 48</p> <p>1 conversation, and the fact that Mr. -- Defendant</p> <p>2 Halcovage was still in the building, you then had</p> <p>3 a subsequent conversation with Mr. Bender based</p> <p>4 off the plaintiff's request as well, to allow them</p> <p>5 to work from home so they wouldn't have to see Mr.</p> <p>6 Halcovage?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 Did you at any point learn that the</p> <p>10 request of the plaintiffs to work from home and</p> <p>11 obtain supplies had been made for some time prior</p> <p>12 to mid October?</p> <p>13 A. No.</p> <p>14 Q. All right.</p> <p>15 You were first made aware of their</p> <p>16 request in mid October?</p> <p>17 A. Yes.</p> <p>18 MS. SMITH: We're going to look at</p> <p>19 Doe 1118 to 1120. This is going to be 277.</p> <p>20 - - -</p> <p>21 (Doe 1118-1120 marked as Exhibit-277 for</p> <p>22 identification.)</p> <p>23 - - -</p> <p>24 BY MS. SMITH:</p>	<p>Page 50</p> <p>1 e-mail, if we look at the first page, it says: I</p> <p>2 am in receipt -- well, let's start with: Nice to</p> <p>3 virtually meet you. In October, specifically</p> <p>4 October 27th of 2020, you had not yet met Ms.</p> <p>5 Kleckner or Ms. Goodman in person, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And you hadn't even virtually met either</p> <p>8 of them.</p> <p>9 Is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay.</p> <p>12 Next sentence states, or paragraph, I'm</p> <p>13 in receipt of your request for accommodation.</p> <p>14 That's the work-from-home request; am I --</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Then -- and I have pulled together most</p> <p>18 of the office supplies. My apologies for the</p> <p>19 delay in getting you fully set -- set up and</p> <p>20 supported to work from home.</p> <p>21 The office supplies were a list that was</p> <p>22 provided to you with your understanding that this</p> <p>23 is what they needed to work from home, Ms. Goodman</p> <p>24 and Ms. Kleckner, correct?</p>

<p>Page 51</p> <p>1 A. Yes.</p> <p>2 Q. All right.</p> <p>3 What was the delay that you're referring</p> <p>4 to in getting them fully set up and supported to</p> <p>5 work from home?</p> <p>6 A. With the computer order, the laptop.</p> <p>7 Q. Okay.</p> <p>8 So the next sentence does talk about</p> <p>9 that laptop. And it says: At this time, new</p> <p>10 laptops are in order, along with other technical</p> <p>11 equipment to support you in a telework assignment.</p> <p>12 And then it lists some items.</p> <p>13 Is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. So was it -- the delay in -- in -- the</p> <p>16 delay that occurred before this e-mail was sent or</p> <p>17 the delay that was going to occur because these</p> <p>18 laptops needed to be ordered and weren't readily</p> <p>19 accessible?</p> <p>20 A. Yes. So when I originally placed the</p> <p>21 order for the laptops, there was no money in the</p> <p>22 tax assessment's budget in order to pay for those</p> <p>23 expenses. So I had learned about a committee that</p> <p>24 exists within the county. Theresa Gaffney leads</p>	<p>Page 53</p> <p>1 A. Yeah.</p> <p>2 Q. Correct?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay.</p> <p>5 How did you find out about this</p> <p>6 committee that Ms. Gaffney spearheaded or ran?</p> <p>7 A. I think Heather Garrity told me about</p> <p>8 it, Ms. Garrity.</p> <p>9 Q. When you first discovered there was no</p> <p>10 funds in the budget, did you go to anyone and</p> <p>11 speak with them about, hey, how do I get these</p> <p>12 laptops for these women?</p> <p>13 A. Yes.</p> <p>14 Q. Who did you speak with?</p> <p>15 A. Yes. I spoke with Paul Buber.</p> <p>16 Q. Okay.</p> <p>17 He's -- is he in the MIS department?</p> <p>18 A. He's fiscal.</p> <p>19 Q. Fiscal. Okay. Thank you.</p> <p>20 And what was his suggestion?</p> <p>21 A. That this committee existed and that</p> <p>22 perhaps -- he married up what Heather had told me</p> <p>23 about the committee and the fact that they</p> <p>24 would -- they supply fund -- funding to the</p>
<p>Page 52</p> <p>1 that committee. I don't recall the name of it.</p> <p>2 But it's a philanthropic type committee where</p> <p>3 funds are raised and provided to departments to</p> <p>4 defer expenses associated with running the</p> <p>5 departments on a day-to-day basis, that's my</p> <p>6 understanding.</p> <p>7 Q. Okay.</p> <p>8 A. So the request went to Ms. Gaffney and</p> <p>9 the committee reviewed it. And that was probably</p> <p>10 two weeks before I even got a response that they</p> <p>11 would support the expense, because originally with</p> <p>12 their being no money in the budget, the purchase</p> <p>13 order was put on hold.</p> <p>14 Q. Okay.</p> <p>15 A. Until we established where the funds</p> <p>16 were coming from.</p> <p>17 Q. Okay.</p> <p>18 So when was that initial determination</p> <p>19 regarding there being no funds, like before the</p> <p>20 committee was discovered?</p> <p>21 A. It had to be around the October 27th</p> <p>22 date.</p> <p>23 Q. Okay.</p> <p>24 But sometime before October 27th?</p>	<p>Page 54</p> <p>1 departments.</p> <p>2 Q. Okay.</p> <p>3 So this e-mail, this October 27, 2020,</p> <p>4 e-mail is sent after your conversation with Mr.</p> <p>5 Bender.</p> <p>6 Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. So you said Mr. Bender, I think you</p> <p>9 referred to him as old school or traditional</p> <p>10 maybe. I apologize, I don't remember which words</p> <p>11 were used.</p> <p>12 But he -- he had a little reservation,</p> <p>13 as I understand from your testimony, about having</p> <p>14 Ms. Kleckner and Ms. Goodman work from home; is</p> <p>15 that correct?</p> <p>16 A. Yes.</p> <p>17 Q. But eventually, it sounds like based on</p> <p>18 this e-mail, that he did consent to or approve</p> <p>19 them working from home?</p> <p>20 A. Yes.</p> <p>21 Q. All right.</p> <p>22 A. And that was the point of the temporary</p> <p>23 telecommuting policy and agreement.</p> <p>24 Q. Okay.</p>

<p>Page 55</p> <p>1 And we'll -- we'll get to that in one 2 second. 3 A. Okay. 4 Q. I appreciate that. 5 Did you -- did you and he, Mr. Bender, 6 have any conversations regarding the specific 7 items that Ms. Kleckner and Ms. Goodman were 8 requesting? 9 A. No. 10 Q. You didn't discuss the laptops? 11 A. Other than the fact that when I had 12 originally put the PO through, that there wasn't 13 money in their budget in order to pay for it. 14 Q. Okay. 15 But he didn't give you any pushback on 16 ordering laptops for them? 17 A. No. 18 Q. Okay. 19 Did you understand -- strike that. 20 At this time, would it be fair to say 21 that you had a limited understanding of exactly 22 what Ms. Kleckner and Ms. Goodman did? 23 A. Yes. 24 Q. Okay.</p>	<p>Page 57</p> <p>1 two pages look like to be a short-term 2 telecommuting agreement for Marcy Kleckner, the 3 second two the county's temporary telecommuting 4 policy. 5 Am I correct? 6 A. Yes. 7 Q. Okay. 8 And these two documents -- actually, I'm 9 sorry. If you just quickly look back to the 10 e-mail we were just looking at. These two 11 documents, you mentioned I think in your e-mail in 12 the second page, that they were attached, correct? 13 A. Yes. 14 Q. And these are those two attachments? 15 A. Yes. 16 Q. Okay. Thank you. 17 Were -- let's start with the temporary 18 telecommuting policy, the second two -- or the 19 third and fourth page of this document. Was this 20 a policy that was already in effect in Schuylkill 21 County at the time you started there? 22 A. No. 23 Q. Did you draft this? 24 A. Yes.</p>
<p>Page 56</p> <p>1 But based on that understanding, did you 2 believe that they needed these items to be 3 productive in working from home? 4 A. Yes. 5 Q. And that until they received, especially 6 a new laptop, they wouldn't be fully able to 7 performing their job duties? 8 A. Possibly. 9 MS. SMITH: We're going to look at 10 Doe Supplement 366 to 369. That will be 278. 11 --- 12 (Doe 366-369 marked as Exhibit-278 for 13 identification.) 14 --- 15 BY MS. SMITH: 16 Q. I am also going to put in front of 17 you -- three -- actually we can hold off on that, 18 just because I don't want to do a split screen on 19 here. 20 Okay. 21 So you have in front of you what's now 22 been marked 278 for today's purposes. This 23 actually contains two different documents or what 24 I believe is two different documents. The first</p>	<p>Page 58</p> <p>1 Q. Okay. 2 And from -- did you use something that 3 you had already had or did you create it 4 completely new? 5 A. This is a document that we used at the 6 firm. 7 Q. And the firm being Hubric? 8 A. Yes. 9 Q. Okay. 10 Did you -- other than maybe changing the 11 name of the county and -- and the word county in 12 there as opposed to, like, employer, did you make 13 any other substantial changes to this policy? 14 A. No, I did not. 15 Q. All right. 16 Was this policy drafted by you in 17 regards to the request of Ms. Kleckner and Ms. 18 Goodman? 19 A. Yes. 20 Q. Who approved it, reviewed it, voted on 21 it? 22 A. Mr. Bender. 23 Q. Was it ever shown to the county 24 commissioners?</p>

<p>Page 59</p> <p>1 A. Not to my knowledge.</p> <p>2 Q. Was there -- there's commissioners'</p> <p>3 meetings where there's votes taken on certain</p> <p>4 things, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know if this was ever voted on at</p> <p>7 a commissioners' meeting?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. And you simply just showed this to Mr.</p> <p>10 Bender and approved it or did he make any changes?</p> <p>11 A. He did not make any changes. He asked a</p> <p>12 couple of questions.</p> <p>13 Q. Do you recall what those were?</p> <p>14 A. Not specifically.</p> <p>15 Q. Okay.</p> <p>16 Under procedures, the first sentence</p> <p>17 states: In the event of such circumstances,</p> <p>18 certain employee may be permitted to work</p> <p>19 remotely.</p> <p>20 The such circumstances is referring to</p> <p>21 extenuating circumstances that's referenced in the</p> <p>22 first paragraph, correct?</p> <p>23 A. Yes.</p> <p>24 Q. What was your understanding regarding</p>	<p>Page 61</p> <p>1 A. So that would speak to the agreement</p> <p>2 itself, that the individual has to have a</p> <p>3 designated work area. It has to be free from</p> <p>4 clutter or tripping hazards because we want to</p> <p>5 make sure that it was also ergonomically correct.</p> <p>6 And that there were -- any kind of interruption</p> <p>7 would be min -- minimalized throughout the course</p> <p>8 of the business day.</p> <p>9 Q. But the sentence is suggesting that</p> <p>10 those requirements are simply going to be given to</p> <p>11 the county employee by human resources, but not</p> <p>12 that the decision will be made by human resources?</p> <p>13 A. Correct.</p> <p>14 Q. The next sentence states: Preparation</p> <p>15 should be made by employees and managers as far in</p> <p>16 advance as possible to allow remote work in</p> <p>17 extenuating circumstances.</p> <p>18 Were -- you understood at the time,</p> <p>19 October 27, 2020, that Ms. Toomey and Ms. Gerchak</p> <p>20 were Ms. Kleckner and Ms. Goodman's direct</p> <p>21 supervisors, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 Were they notified or involved in any</p>
<p>Page 60</p> <p>1 this -- so when I'm asking questions about your</p> <p>2 understanding regards this policy, I am going to</p> <p>3 be referring to its implementation at Schuylkill</p> <p>4 County, not in regards to any other employers --</p> <p>5 A. Okay.</p> <p>6 Q. -- or entities.</p> <p>7 So what was your understanding of who at</p> <p>8 the county would make the decision if extenuating</p> <p>9 circumstances existed?</p> <p>10 A. It would be on a case-by-case basis.</p> <p>11 And specific to administrative offices, it would</p> <p>12 be Mr. Bender.</p> <p>13 Q. Okay.</p> <p>14 So for row offices it might be something</p> <p>15 different?</p> <p>16 A. Correct.</p> <p>17 Q. All right.</p> <p>18 But this temporary telecommuting policy</p> <p>19 applied to all employees of the county?</p> <p>20 A. Yes.</p> <p>21 Q. The next sentence states: These</p> <p>22 employees will be advised of such requirements by</p> <p>23 human resources.</p> <p>24 What requirements is that speaking of?</p>	<p>Page 62</p> <p>1 discussions regarding the work-from-home status of</p> <p>2 Ms. Kleckner and Ms. Goodman?</p> <p>3 A. To the extent of understanding what</p> <p>4 supplies they would need and -- I can't think of</p> <p>5 anything else because they were already working</p> <p>6 from home.</p> <p>7 Q. Okay.</p> <p>8 A. So that relationship was already</p> <p>9 established.</p> <p>10 Q. Did you, or to your knowledge, did</p> <p>11 anyone on behalf of the county have any</p> <p>12 conversations with Ms. Toomey and/or Ms. Gerchak</p> <p>13 what about what, if any, changes needed to occur</p> <p>14 regarding Ms. Kleckner and Ms. Goodman's</p> <p>15 work-from-home status so that the offices could</p> <p>16 run efficiently?</p> <p>17 A. We spoke specifically about the new</p> <p>18 laptops because of the Govern system that exists</p> <p>19 and the difficulties that they were having in</p> <p>20 accessing that system from the current equipment</p> <p>21 that they were working from.</p> <p>22 Q. Do you recall having any conversations</p> <p>23 with Ms. Toomey or Ms. Gerchak about Ms. Kleckner,</p> <p>24 specifically, doing increased field work to keep</p>



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<p>1 her away from the county building?</p> <p>2 A. No.</p> <p>3 Q. If we looked -- it's -- I guess it looks</p> <p>4 like a paragraph to me, there's a second paragraph</p> <p>5 for telework arrangements.</p> <p>6 A. Uh-huh.</p> <p>7 Q. Do you see that?</p> <p>8 It says, either the county administrator</p> <p>9 or human resources could -- human resources can</p> <p>10 initiate a temporary telecommuting agreement</p> <p>11 during extenuating circumstances.</p> <p>12 So tell me what you think is different</p> <p>13 about initiation of an agreement versus the</p> <p>14 approval of an agreement?</p> <p>15 A. It would depend on the circumstances.</p> <p>16 So if somebody has, perhaps, and ailing parents in</p> <p>17 which they need to provide direct care to, we</p> <p>18 would use something like this in that situation to</p> <p>19 allow them the flexibility to work from home to</p> <p>20 attend to their care. So you get involved in</p> <p>21 discussions with the employee that contain</p> <p>22 protected health information and some confidential</p> <p>23 information. So in that regard, the</p> <p>24 recommendation would be made from HR to Mr. Bender</p>	<p>1 A. Correct.</p> <p>2 Q. And there was obviously e-mails and</p> <p>3 correspondence regarding equipment needs with</p> <p>4 those same individuals?</p> <p>5 A. Yes.</p> <p>6 Q. Were there any discussions around --</p> <p>7 regarding scheduling issues with Ms. Kleckner and</p> <p>8 Ms. Goodman?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 The next paragraph talks about the</p> <p>12 telecommuting agreement and that it will be signed</p> <p>13 by employee and his or her manager. That would be</p> <p>14 that -- those first two pages of this, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And this was -- this first two pages,</p> <p>17 Doe Supplement 366 and 367 were, in fact, provided</p> <p>18 to Marcy in that e-mail.</p> <p>19 Did she ever sign it?</p> <p>20 A. I'm recalling that she did.</p> <p>21 Q. Okay.</p> <p>22 A. But it would be part of her personnel</p> <p>23 file.</p> <p>24 Q. Okay.</p>
Page 64	Page 66
<p>1 to say, this is a short-term telecommuting</p> <p>2 agreement, these are the reasons, and this is why</p> <p>3 we're approving it or recommending it.</p> <p>4 Q. Okay.</p> <p>5 A. Recommending that it be approved.</p> <p>6 Q. Okay.</p> <p>7 But -- so ultimately -- so maybe HR does</p> <p>8 the early leg work?</p> <p>9 A. Yes.</p> <p>10 Q. Makes a recommendation, but ultimately</p> <p>11 the approval lies with the county administrator?</p> <p>12 A. Yes.</p> <p>13 Q. The next sentence states: The human</p> <p>14 resources director, manager, employee will discuss</p> <p>15 the job responsibilities and determine if the job</p> <p>16 is appropriate for a telecommuting arrangement,</p> <p>17 including equipment needs, work space design</p> <p>18 considerations, and scheduling issues.</p> <p>19 From your testimony, and correct me if</p> <p>20 I'm wrong, it sounds like they're -- with at least</p> <p>21 an understanding about the appropriateness of the</p> <p>22 telecommuting agreement with Ms. Kleckner and Ms.</p> <p>23 Goodman and at least Ms. Toomey, if not Ms.</p> <p>24 Gerchak, correct?</p>	<p>1 So you believe any sort of short-term</p> <p>2 telecommuting agreement would have -- that was</p> <p>3 signed by her, it would've been maintained in her</p> <p>4 personnel file?</p> <p>5 A. Correct.</p> <p>6 Q. And same for Ms. Goodman?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 The next sentence states: Employees</p> <p>10 shall not work for another employer or perform any</p> <p>11 other work including work related to self</p> <p>12 employment during the temporary telecommuting</p> <p>13 period.</p> <p>14 Was that just for the hours they were</p> <p>15 working for the county? So if they were an</p> <p>16 8:00 -- 8:30 to 4:30, they couldn't do any other</p> <p>17 work during those hours?</p> <p>18 A. Correct.</p> <p>19 Q. But if they wanted to have a part-time</p> <p>20 job after 4:30 or to -- self employment, they were</p> <p>21 permitted to do so?</p> <p>22 A. Sure.</p> <p>23 Q. Okay.</p> <p>24 The last sentence of the last paragraph</p>

<p>Page 67</p> <p>1 on this page, it says: The county will also 2 reimburse the employee for business-related 3 expenses such as phone calls and shipping costs 4 that are reasonably incurred in carrying out the 5 employee's job. 6 Did you ever, or to your knowledge, did 7 anyone on behalf of the county ever advise Ms. 8 Kleckner and Ms. Goodman on how to submit for 9 reimbursements regarding phone calls? 10 A. Not to my knowledge. 11 Q. All right. 12 Now looking at the first two pages, 13 specifically Ms. Kleckner's telecommuting 14 agreement. I want to look at -- so the temporary 15 work location is Ms. Kleckner's address at the 16 time, correct? 17 A. Yes. 18 Q. And the employee schedule was the same 19 as if she reported to the courthouse, correct? 20 A. Correct. 21 Q. Under the bold header of the employee 22 agrees, there's a sentence that states: 23 Non-exempt hourly employees will record all hours 24 worked and meal periods taken in accordance with</p>	<p>Page 69</p> <p>1 Q. Okay. 2 And do you know, were those submitted 3 every day or were they submitted on a weekly, 4 biweekly, something else basis? 5 A. In the HR department it was on a weekly 6 basis. 7 Q. Okay. 8 Any reason to believe it was different 9 in any other -- 10 A. No. 11 Q. -- administrative office? 12 A. No. 13 Q. Okay. 14 So was it your understanding that what 15 Ms. Kleckner and Ms. Goodman would have been 16 required to do, related to this short-term 17 telecommuting agreement was to submit weekly 18 reports of their hours worked each day? 19 A. Yes. 20 Q. And that could be hours worked, PTO 21 taken, vacation taken, it was just how many hours, 22 what they did during those -- 23 A. Correct. 24 Q. The 8:00 to 4:30 Monday through Friday?</p>
<p>Page 68</p> <p>1 regular time keeping practices. 2 Do you see that? 3 A. Yes. 4 Q. Ms. Kleckner and Ms. Goodman were both 5 non-exempt hourly employees, correct? 6 A. Yes. 7 Q. What was your understanding of what the 8 regular timekeeping practices were for the -- Ms. 9 Kleckner and Ms. Goodman? 10 A. There are time sheets that the county 11 uses for payroll processing purposes. 12 Q. And those time sheets are daily, 13 correct? Just the number of hours worked per day, 14 it's not like an hourly or by minute increments? 15 A. Daily. 16 Q. Okay. 17 A. Each day -- each day is recorded 18 independently. 19 Q. Right. 20 And -- but it's not like Monday 21 9:00 a.m. to 10:00 a.m., it's just how many hours? 22 A. Total hours. 23 Q. For Monday? 24 A. Yes.</p>	<p>Page 70</p> <p>1 A. Yes. 2 Q. Okay. 3 A couple down from that it says: The 4 employee will communicate regularly with his or 5 her supervisor and coworkers, which includes a 6 weekly written report of activities. 7 It was your understanding that it was 8 only a requirement that they -- Ms. Goodman and 9 Ms. Kleckner weekly update in writing, their 10 supervisors? 11 A. Correct. 12 Q. Turning to the next page, Doe 13 Supplemental 367. 14 The first -- second sentence, I'm sorry. 15 The County of Schuylkill will provide the 16 following equipment, laptop, printer, office 17 supplies, and it has a list of various items 18 there. And you can refer back to your e-mail if 19 it will refresh your recollection, but fair to say 20 that October 27th of 2020, Ms. Goodman did not 21 have a laptop, correct? 22 A. To my knowledge, yes. 23 Q. Or at least -- let me rephrase it. 24 A county-issued laptop, correct?</p>

<p>Page 71</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 Ms. Good -- Kleckner had one, but it</p> <p>4 was -- I think you can look and read the e-mail in</p> <p>5 there if it refreshes your recollection, I think</p> <p>6 she was having some technical --</p> <p>7 A. Oh, yeah.</p> <p>8 Q. -- issues with it?</p> <p>9 A. May 1st she was provided.</p> <p>10 Q. But she was having some issues with it,</p> <p>11 correct?</p> <p>12 A. Based upon her e-mail, yes.</p> <p>13 Q. Okay.</p> <p>14 And her e-mail was one that reported it</p> <p>15 to you?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Looking at your e-mail, does it refresh</p> <p>19 your recollection if Ms. Goodman or Ms. Kleckner</p> <p>20 had a printer at the time?</p> <p>21 A. I don't recall them having one.</p> <p>22 Q. Okay.</p> <p>23 A. Which is why we were ordering --</p> <p>24 Q. Makes sense.</p>	<p>Page 73</p> <p>1 Q. The policy.</p> <p>2 A. No.</p> <p>3 Q. So do you know even what the policy says</p> <p>4 Ms. Kleckner and Ms. Goodman would have had to do</p> <p>5 to get paid?</p> <p>6 A. Not specifically.</p> <p>7 Q. Okay.</p> <p>8 Did you provide them with an expense</p> <p>9 report, which they would have needed to submit?</p> <p>10 A. The expense reports, I think, are</p> <p>11 available on the intranet.</p> <p>12 Q. Okay.</p> <p>13 But you didn't e-mail them a copy?</p> <p>14 A. No, I did not.</p> <p>15 Q. Do you know anyone for the county who</p> <p>16 did?</p> <p>17 A. Not -- no.</p> <p>18 Q. Did anyone, to your knowledge, tell them</p> <p>19 that they were on -- that expense report was on</p> <p>20 the intranet?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. Okay.</p> <p>23 Do you know if Ms. Kleckner or Ms.</p> <p>24 Goodman were ever reimbursed for phone or Internet</p>
<p>Page 72</p> <p>1 A. -- one for home.</p> <p>2 Q. And they were provided some -- some</p> <p>3 pens, some paperclips, some of those other items</p> <p>4 there, probably, I think, shortly after</p> <p>5 October 27, 2020, based on your e-mail here.</p> <p>6 Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Next sentence states: The</p> <p>9 employee will provide the following equipment, and</p> <p>10 it references Internet connection. But if we look</p> <p>11 a couple paragraphs down, one, two, three, four</p> <p>12 down, it says: Employee will submit expense</p> <p>13 reports with attached receipts in accordance with</p> <p>14 the County of Schuylkill's expense reimbursement</p> <p>15 policy. The county agrees to reimburse the</p> <p>16 employee \$30 monthly, paid quarterly, for phone</p> <p>17 and Internet.</p> <p>18 Did you ever provide, or to your</p> <p>19 knowledge, did anyone from the county provide Ms.</p> <p>20 Goodman or Ms. Kleckner with this expense</p> <p>21 reimbursement policy of the county?</p> <p>22 A. No.</p> <p>23 Q. Have you ever seen it?</p> <p>24 A. A submission for reimbursement?</p>	<p>Page 74</p> <p>1 expenses for working from home?</p> <p>2 A. Through me, no.</p> <p>3 Q. Okay.</p> <p>4 I mean, maybe not just through you, but</p> <p>5 to your knowledge, did they ever --</p> <p>6 A. Not -- not to my knowledge.</p> <p>7 Q. Okay?</p> <p>8 MS. SMITH: We're going to look at</p> <p>9 Doe Supplement 3136 and 3137.</p> <p>10 - - -</p> <p>11 (Doe 3136-3137 marked as Exhibit-279 for</p> <p>12 identification.)</p> <p>13 - - -</p> <p>14 BY MS. SMITH:</p> <p>15 Q. This is almost an identical short-term</p> <p>16 telecommuting agreement as the one we just looked</p> <p>17 at, but this is for Ms. Goodman, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And the temporary work location is her</p> <p>20 home address, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And this was also provided -- this was</p> <p>23 provided to Ms. Goodman around the same time that</p> <p>24 the one we just looked at was provided to Ms.</p>



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<p>1 Kleckner, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 Do you know if Ms. Goodman ever signed</p> <p>5 hers?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. Was -- so shortly after October 27th of</p> <p>8 2020, there was a change in work locations for Ms.</p> <p>9 Goodman and Ms. Kleckner, correct?</p> <p>10 A. You mean from working from home?</p> <p>11 Q. Yes.</p> <p>12 A. Yes.</p> <p>13 Q. They -- there was a decision made to</p> <p>14 assign them to the 410 Building within the county,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall when that decision was</p> <p>18 made?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 Do you recall when that decision was</p> <p>22 conveyed to Ms. Goodman or Ms. Kleckner?</p> <p>23 A. Middle of November.</p> <p>24 Q. Of 2020?</p>	<p>1 supposed to -- because they didn't have the</p> <p>2 supplies, what were they supposed to do according</p> <p>3 to the county?</p> <p>4 A. Work with the equipment that they had in</p> <p>5 place.</p> <p>6 Q. So if a task took them longer than it</p> <p>7 would have if they had the right equipment, was it</p> <p>8 your understanding that they would then be</p> <p>9 permitted to submit hours for the extended time to</p> <p>10 complete the task?</p> <p>11 A. That wasn't my call to make. That would</p> <p>12 have been something that needed to be discussed</p> <p>13 with their direct supervisors.</p> <p>14 Q. Okay.</p> <p>15 A. To obtain that approval for the</p> <p>16 overtime.</p> <p>17 Q. So you believe that -- well, no, I'm not</p> <p>18 saying overtime. So let's say Task A would</p> <p>19 normally -- if they were in the county building</p> <p>20 with the systems and equipment they needed.</p> <p>21 A. Okay.</p> <p>22 Q. Would take them 15 minutes, but because</p> <p>23 they didn't have laptops and they were doing it on</p> <p>24 phones or iPads or whatever else they had, it</p>
Page 76	Page 78
<p>1 A. Yes.</p> <p>2 Q. So do you know, did Ms. Goodman or Ms.</p> <p>3 Kleckner ever receive, between October 27, 2020,</p> <p>4 when e-mail was sent and when they were told they</p> <p>5 were being assigned to the 410 Building, did they</p> <p>6 ever receive the laptop that -- the laptops you</p> <p>7 had ordered for them?</p> <p>8 A. No.</p> <p>9 Q. Did they ever receive the printers?</p> <p>10 A. No.</p> <p>11 Q. Did -- I think we discussed, they had</p> <p>12 received a couple supplies and pens, some paper</p> <p>13 and some folders, I think, right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Do you believe that the supplies that</p> <p>17 they did receive were sufficient for them to</p> <p>18 conduct or perform their job duties?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 So what was then if -- your</p> <p>22 understanding of what the county's policy</p> <p>23 regarding their pay during that time? They</p> <p>24 couldn't complete their hours, what were they</p>	<p>1 would take them a half an hour, they were still</p> <p>2 permitted to submit a half an hour worth of work?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 What was your understanding of what they</p> <p>6 were to do, Ms. Kleckner and Ms. Goodman, if</p> <p>7 because of the lack of equipment and supplies,</p> <p>8 they couldn't fill they're entire workday? Were</p> <p>9 they permitted to still submit the hours because</p> <p>10 they were available to work or were they supposed</p> <p>11 to use bank time or non-paid time?</p> <p>12 MS. PIPAK: I am going to object to</p> <p>13 the form.</p> <p>14 But go ahead.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. You can answer.</p> <p>17 A. Well, I think the expectation was that</p> <p>18 they were completing their job within the</p> <p>19 regularly scheduled business hours.</p> <p>20 Q. Right.</p> <p>21 But -- so they might be able to complete</p> <p>22 whatever they can complete and during those</p> <p>23 regular business hours. But what if, because they</p> <p>24 didn't have the necessary equipment and supplies,</p>

<p>Page 79</p> <p>1 there were tasks that they couldn't complete?</p> <p>2 Or let me -- let me strike that.</p> <p>3 Did you understand or know if there were</p> <p>4 tasks in their job duties and descriptions that</p> <p>5 they could not complete because of the lack of</p> <p>6 supplies?</p> <p>7 A. No, I was not aware of that.</p> <p>8 Q. Okay.</p> <p>9 And if you -- hypothetically if that had</p> <p>10 occurred, were they -- would they be required to</p> <p>11 use paid time off, unpaid time, or were they -- as</p> <p>12 long as they were available to work, that could</p> <p>13 submit time?</p> <p>14 MS. PIPAK: I am going to object to</p> <p>15 the form.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: Yeah. I -- I</p> <p>18 think -- sorry. I'm just confused by the</p> <p>19 question.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. So I can rephrase it.</p> <p>22 If -- for instance, if there were job</p> <p>23 duties and responsibilities that Ms. Goodman could</p> <p>24 not complete because she didn't have a laptop and</p>	<p>Page 81</p> <p>1 Q. Okay.</p> <p>2 Did you understand that a lot of Ms.</p> <p>3 Goodman and Ms. Kleckner's job duties, when they</p> <p>4 were in the courthouse, involved answering</p> <p>5 customer phone calls, speaking with customers at</p> <p>6 the tax assessment desk, things like that?</p> <p>7 A. I didn't have those specifics.</p> <p>8 Q. Okay.</p> <p>9 Do you understand that if they were --</p> <p>10 those job duties were part of their job</p> <p>11 assignments, that they would be impossible to fill</p> <p>12 from working from home?</p> <p>13 A. I don't think it's impossible. I think</p> <p>14 it may be more difficult.</p> <p>15 Q. To wait on customers?</p> <p>16 A. To service customers over the phone.</p> <p>17 Q. Well, not over the phone, but at the</p> <p>18 desk?</p> <p>19 A. Oh, from a -- from a -- walking into the</p> <p>20 department perspective, yeah, that's -- yeah, you</p> <p>21 wouldn't be able to do that.</p> <p>22 Q. Okay.</p> <p>23 Were Ms. Kleckner and Ms. Goodman set up</p> <p>24 with a -- a county phone number or were they</p>
<p>Page 80</p> <p>1 so, therefore, she didn't have 40 hours a week</p> <p>2 worth of work, let's say she had 35 just to make</p> <p>3 this hypothetical a little easier.</p> <p>4 A. Okay.</p> <p>5 Q. What would she do for the last five?</p> <p>6 A. Whatever she could to fill those hours.</p> <p>7 Q. But if she had no job duties that she</p> <p>8 could fulfill because of the lack of equipment and</p> <p>9 not being in the courthouse, was she supposed to</p> <p>10 use PTO or non-paid time or was she --</p> <p>11 just because she was available, she could submit</p> <p>12 the hours?</p> <p>13 A. From my perspective, she would be paid</p> <p>14 for the actual hours worked.</p> <p>15 Q. Right.</p> <p>16 So if there's nothing to do, she -- she</p> <p>17 wouldn't be paid?</p> <p>18 A. Right.</p> <p>19 Q. She would have to use PTO or --</p> <p>20 A. In order to --</p> <p>21 Q. -- not be paid?</p> <p>22 A. -- to make herself whole.</p> <p>23 Q. Right. Right.</p> <p>24 A. Yeah.</p>	<p>Page 82</p> <p>1 expected to use their personal cell phone numbers?</p> <p>2 A. I don't know that.</p> <p>3 Q. Would you expect a county employee who</p> <p>4 is working from home to use their personal cell</p> <p>5 phone number to communicate with customers of the</p> <p>6 county?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 Do you know if they were ever setup with</p> <p>10 a program to reroute county incoming calls to</p> <p>11 their phones?</p> <p>12 A. I know the phones can be forwarded, but</p> <p>13 I don't know if they can be forwarded to a mobile.</p> <p>14 Q. Do you know if they were ever setup to</p> <p>15 be forwarded to Ms. Goodman or Ms. Kleckner on any</p> <p>16 phone at their work-from-home location?</p> <p>17 A. I'm -- I don't know the --</p> <p>18 Q. Okay.</p> <p>19 A. -- answer to that.</p> <p>20 Q. So if the call weren't forwarded, it</p> <p>21 would be impossible for them to service incoming</p> <p>22 calls for the county, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay.</p>

<p>Page 83</p> <p>1 Change gears just a little bit. We're</p> <p>2 going to go back to some of the -- the defendants</p> <p>3 in this case.</p> <p>4 Defendant Roth, Glenn Roth was an</p> <p>5 assistant solicitor and risk manager for the</p> <p>6 county at the time that you began there, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you know him before that?</p> <p>9 A. No.</p> <p>10 Q. And where did -- was the -- that</p> <p>11 introduction meeting, the Commissioners Bender,</p> <p>12 Halcovage, you said Roth was there?</p> <p>13 A. Yes.</p> <p>14 Q. Was that the first time you met him?</p> <p>15 A. Yes.</p> <p>16 Q. Did you know anything about him before</p> <p>17 you began with the county?</p> <p>18 A. No.</p> <p>19 Q. Did you know any of the plaintiffs</p> <p>20 before you began working for the county?</p> <p>21 A. No.</p> <p>22 Q. Had you read anything about their claims</p> <p>23 in the newspaper?</p> <p>24 A. No.</p>	<p>Page 85</p> <p>1 A. They were doing some work and when I</p> <p>2 received the call indicating that one of the</p> <p>3 individuals in the department had tested positive,</p> <p>4 there was a request to do the contact tracing.</p> <p>5 And certainly at that time, timing was of the</p> <p>6 essence. So we wanted to do it as quickly as</p> <p>7 possible. So I had offered to come into the</p> <p>8 courthouse and met them in the tax claim office.</p> <p>9 Q. Okay.</p> <p>10 And when you say they, that's Ms. Toomey</p> <p>11 and Ms. Gerchak?</p> <p>12 A. Yes.</p> <p>13 Q. So then is it fair to say that that was</p> <p>14 when you first met Ms. Gerchak as well?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 So we talked about when you started at</p> <p>18 the county. And you may have mentioned this, but</p> <p>19 I'd just like to make it clear on the record, you</p> <p>20 were named the interim -- interim director of</p> <p>21 human resources for the county, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Were you assigned an office?</p> <p>24 A. Yes.</p>
<p>Page 84</p> <p>1 Q. And they were all -- all the plaintiffs</p> <p>2 were already employed with the county when you</p> <p>3 started, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 I know you virtually met Marcy and Missy</p> <p>7 in October of 2020. When did you first meet Ms.</p> <p>8 Toomey?</p> <p>9 A. It was the end of September of 2020.</p> <p>10 Q. And in what capacity did you meet her?</p> <p>11 A. They had an individual within the</p> <p>12 department who tested positive for COVID.</p> <p>13 Q. Okay.</p> <p>14 A. So there was contact tracing.</p> <p>15 Q. Okay.</p> <p>16 And was it a virtual meeting then with</p> <p>17 Ms. Toomey?</p> <p>18 A. No.</p> <p>19 Q. Oh, you met her in person?</p> <p>20 A. Yes. It was on a Saturday.</p> <p>21 Q. At the courthouse?</p> <p>22 A. Yes.</p> <p>23 Q. Did -- was she there -- why were you</p> <p>24 guys there on a Saturday?</p>	<p>Page 86</p> <p>1 Q. Where was it?</p> <p>2 A. In the HR department.</p> <p>3 Q. Was it Ms. Twigg's old office?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 And your days of work were Monday</p> <p>7 through Friday?</p> <p>8 A. Yes.</p> <p>9 Q. Generally. Obviously we've just learned</p> <p>10 also Saturdays.</p> <p>11 What were your hours worked?</p> <p>12 A. 8:00 to 4:30.</p> <p>13 Q. And all of those days and hours worked</p> <p>14 were to be conducted at the county courthouse?</p> <p>15 A. Yes.</p> <p>16 Q. Were you permitted to work from home or</p> <p>17 any other location other than the courthouse?</p> <p>18 A. Other county buildings.</p> <p>19 Q. Were you assigned any county-issued</p> <p>20 electronic devices?</p> <p>21 A. Laptop.</p> <p>22 Q. Who assigned that to you?</p> <p>23 A. Mr. Bender.</p> <p>24 Q. Did he also physically provide it to</p>

<p>Page 87</p> <p>1 you?</p> <p>2 A. No. Mr. Nester from IT.</p> <p>3 Q. Did you have to sign any paperwork, do</p> <p>4 like a serial number, so they knew which device</p> <p>5 you had?</p> <p>6 A. They had the serial number, but I didn't</p> <p>7 sign anything.</p> <p>8 Q. Okay.</p> <p>9 When you started with the county, was</p> <p>10 Deborah Twigg still employed by the county?</p> <p>11 A. Yes.</p> <p>12 Q. How long, if you recall, did you overlap</p> <p>13 employment with Ms. Twigg?</p> <p>14 A. One day.</p> <p>15 Q. That one --</p> <p>16 A. That one Friday.</p> <p>17 Q. You called an exchange of knowledge</p> <p>18 session?</p> <p>19 A. Yeah, the transfer of knowledge.</p> <p>20 Q. Okay.</p> <p>21 Did you speak with Ms. Twigg about the</p> <p>22 reason for her resignation?</p> <p>23 A. No.</p> <p>24 Q. Did anyone tell you why she resigned?</p>	<p>Page 89</p> <p>1 Q. So you couldn't go back and see ones</p> <p>2 that she had already received?</p> <p>3 A. Correct.</p> <p>4 Q. Okay.</p> <p>5 When you met each of the plaintiffs,</p> <p>6 whether virtually or in person or at any time</p> <p>7 thereafter, did you speak with them about the</p> <p>8 reports and complaints against the county or</p> <p>9 Defendant Halcavage?</p> <p>10 A. We did have a conversation.</p> <p>11 Q. Okay.</p> <p>12 Let's -- tell me about that</p> <p>13 conversation.</p> <p>14 A. It was that Saturday when I was in doing</p> <p>15 the contact tracing and Ms. Toomey and Ms. Gerchak</p> <p>16 shared some of the details of Ms. Kleckner's</p> <p>17 experience and Ms. Goodman's experience and their</p> <p>18 experience themselves and how Mr. Halcavage would</p> <p>19 monopolize the entire department, sometimes for</p> <p>20 hours upon hours, on a daily basis.</p> <p>21 Q. Okay.</p> <p>22 Did -- were there any discussions held</p> <p>23 about their work environment at that time, their</p> <p>24 current work environment?</p>
<p>Page 88</p> <p>1 A. Frustration.</p> <p>2 Q. Frustration with what or whom?</p> <p>3 A. With the county in general.</p> <p>4 Q. Anything specific about what she was</p> <p>5 frustrated about?</p> <p>6 A. The inability to make decisions.</p> <p>7 Q. Who told you this?</p> <p>8 A. Ms. Garrity.</p> <p>9 Q. Did Ms. Garrity understand -- seem to</p> <p>10 understand why Ms. Twigg was frustrated?</p> <p>11 A. I think so.</p> <p>12 Q. Having now worked at the county in the</p> <p>13 HR department, can you appreciate Ms. Twigg's</p> <p>14 frustrations?</p> <p>15 A. Yes.</p> <p>16 Q. Were you given access to Ms. Twigg's</p> <p>17 e-mails?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 Did you have access to archived e-mails</p> <p>21 or was it just, like, ones that she had already</p> <p>22 received or was it that you were just receiving</p> <p>23 her e-mails as they came in?</p> <p>24 A. I was receiving them as they came in.</p>	<p>Page 90</p> <p>1 A. No, not that I recall.</p> <p>2 Q. Did you speak with Ms. Kleckner or Ms.</p> <p>3 Goodman personally about their claims against the</p> <p>4 county or their work environment?</p> <p>5 A. No.</p> <p>6 Q. Can you tell me from your training and</p> <p>7 experience, what is your understanding of the</p> <p>8 ability of a subordinate employee to consent to</p> <p>9 being in a sexual relationship with a supervisor?</p> <p>10 A. Strictly forbidden.</p> <p>11 Q. Do you understand what the term power</p> <p>12 dynamic means?</p> <p>13 A. Yes.</p> <p>14 Q. What does that mean to you?</p> <p>15 A. Well, in a situation where there is an</p> <p>16 individual who is in a position of power, it would</p> <p>17 never be considered a consensual relationship</p> <p>18 because of the authority that they hold over that</p> <p>19 individual.</p> <p>20 Q. Do you believe that Mr. -- Defendant</p> <p>21 Halcavage held authority over Marcy Kleckner?</p> <p>22 A. Yes.</p> <p>23 Q. Is it your understanding that that power</p> <p>24 dynamic, as you defined it, is why it's forbidden</p>

<p>Page 91</p> <p>1 for a subordinate employee to be in a sexual 2 relationship with a supervisor? 3 A. Yes. 4 Q. Do you believe that Defendant Halcovage 5 is Ms. Kleckner, Ms. Goodman, Ms. Gerchak, and Ms. 6 Toomey's supervisor? 7 A. Was Mr. Halcovage? 8 Q. Yes. 9 A. As that individual in a position of 10 authority or direct supervisor? 11 Q. Not necessary direct, but up the chain 12 of command, supervisor? 13 A. Oh, yeah. Yes. 14 Q. Okay. 15 And I think you answered this, but Mr. 16 Bender was their supervisor? 17 A. Correct. 18 Q. Of all four individuals? 19 A. Yes. 20 Q. Can you tell me from your training and 21 experience, what is your understanding of how 22 often sexual harassment policies need to be 23 disseminated to employers and employees? 24 A. Upon hire and then depending upon the</p>	<p>Page 93</p> <p>1 movement into and within the courthouse? 2 A. That he, for the most part, was to 3 remain in the commissioners office area and should 4 he have a need to be in any other area of the 5 courthouse, that he would need to be escorted by 6 someone within the courthouse. 7 Q. Was it anyone in particular or he just 8 needed an escort? 9 A. Just needed an escort. 10 Q. Okay. 11 Did you have an understanding of what -- 12 strike that. 13 Did you have an understanding of where 14 Defendant Halcovage was parking when you first 15 started at the county? 16 A. In the commissioners' lot, the lower lot 17 off of Laurel Street I think it is. 18 Q. Okay. 19 The lot that's different than the public 20 lot by the public entrance? 21 A. Yes. 22 Q. Okay. 23 And was he entering through the 24 commissioners' door from that lot into the</p>
<p>Page 92</p> <p>1 organization, some companies do it on an annual 2 basis, some do it on a biannual basis. 3 Q. But no less than biannual? 4 A. Correct. 5 Q. Is that the same for how often sexual 6 harassment trainings need to be conducted? 7 A. On average, yes. 8 MS. SMITH: Let's take a quick 9 break. We can go off the record. 10 VIDEOGRAPHER: The time is now 11 10:20 a.m. and we're going off the record. 12 --- 13 (Whereupon, brief recess was held off 14 the record.) 15 --- 16 VIDEOGRAPHER: The time is now 17 10:34 a.m. and we're back on the record. 18 BY MS. SMITH: 19 Q. All right. 20 Ms. Kutzler, so I want to -- still 21 focusing on kind of that early time frame in your 22 employment with the county. 23 What, if anything, were you informed 24 about regarding Defendant Halcovage's freedom of</p>	<p>Page 94</p> <p>1 courthouse at that time or was something else 2 happening? 3 A. At that time he was coming in through 4 that door, waiting for a sheriff's deputy to meet 5 him to take him up to the security area to be 6 wanded. 7 Q. Was it your understanding that this was 8 by agreement or imposed upon him? 9 A. I think it imposed. 10 Q. Do you know by who? 11 A. Sheriff Groody. 12 Q. Did Gary Bender ever share his thoughts 13 on that? 14 A. Yes. 15 Q. What were his thoughts on that? 16 A. That it was being imposed by Sheriff 17 Groody because he's a Democrat and George is a 18 Republican. 19 Q. Okay. 20 Did he think that -- other than that he 21 thought it was political, did he think that it was 22 justified? 23 A. No. 24 Q. Did he think it was unjustified?</p>



<p>Page 95</p> <p>1 A. I thought he -- yeah. I got the 2 impression that he thought it was up unjustified. 3 Q. Did you have a feeling on it? 4 A. No. 5 Q. Did you -- would you agree with me that 6 it was something simple that might make the 7 plaintiffs more comfortable? 8 A. Yes. 9 Q. Because Ms. Toomey and Ms. Gerchak were 10 still working physically in the courthouse at that 11 time, correct? 12 A. Yes. 13 Q. Were there any conversations regarding 14 Ms. Toomey or Ms. Gerchak being permitted to work 15 from alternative locations? 16 A. No, not to my knowledge. 17 Q. Okay. 18 Do you know why? 19 A. Being that they are the director and 20 assistant director of the department, in order for 21 them -- or in order for really anyone to be 22 effectively managing a team of individuals, it -- 23 it's best -- they're best served by being on site. 24 Q. Okay.</p>	<p>Page 97</p> <p>1 Would you agree with me that she reported to you 2 that, at least she believed, that Defendant 3 Halcovage has been -- had been walking in the 4 county courthouse hallway unescorted, that that's 5 what she report to you and -- 6 A. Yes. 7 Q. -- you agree? 8 A. Yes. 9 Q. Okay. 10 That would have been in violation of 11 Sheriff Groody's order upon him at this time, 12 correct? 13 A. If he were alone, yes. 14 MS. PIPAK: Objection to form. 15 You can answer. 16 THE WITNESS: If he were alone, 17 yes. 18 BY MS. SMITH: 19 Q. Okay. 20 And she reported to you that he was 21 unescorted, correct? 22 A. Yes. 23 Q. All right. 24 And that would suggest that he was</p>
<p>Page 96</p> <p>1 A. The department is. 2 Q. Were you aware that Halcovage's access 3 to the courthouse was limited to certain hours at 4 the time you started? 5 A. Yes. 6 Q. It was 8:00 a.m. to 5:00 p.m.? 7 A. Yes. 8 Q. So previously he had had access -- 9 Defendant Halcovage had access at any time that he 10 wanted, correct? 11 A. Yes. 12 Q. I am going to show you -- I can move -- 13 it will be easier if I give you the binder because 14 I have extra copies. 15 I am going to put in front of you what's 16 previously been marked as Exhibit-229. 17 --- 18 (Previously marked Exhibit-229.) 19 --- 20 BY MS. SMITH: 21 Q. Do you recognize this document? 22 A. Yes. 23 Q. This is an e-mail from you -- from Ms. 24 Toomey -- I'm sorry -- to you on October 12, 2020.</p>	<p>Page 98</p> <p>1 alone, correct? 2 A. Yes. 3 Q. All right. 4 Did you discuss this e-mail with anyone 5 from the county? 6 A. Mr. Bender. 7 Q. Do you recall when? 8 A. That same day, the 12th. 9 Q. What was discussed? 10 A. Whether or not George was or was not 11 escorted. 12 Q. And what was Mr. Bender's response? 13 A. To check the video cameras. 14 Q. Did you check the video cameras? 15 A. Yes. If this is the same day in 16 question that I'm thinking of. 17 Q. Okay. 18 So at least at one point you did check 19 video cameras for -- 20 A. Yes. 21 Q. -- something regarding Defendant 22 Halcovage's movement? 23 A. Yes. 24 Q. All right.</p>

<p>Page 99</p> <p>1 Who -- did you check them yourself? Did</p> <p>2 you check them with the assistance of someone?</p> <p>3 A. With the assistance of Chief Tobin.</p> <p>4 Q. Okay.</p> <p>5 And what, if anything, did you see on</p> <p>6 these cameras?</p> <p>7 A. That Mr. Halcovage was walking down the</p> <p>8 hallway with a woman.</p> <p>9 Q. Did you speak with Ms. Toomey to</p> <p>10 determine the exact time frame she was referring</p> <p>11 to?</p> <p>12 A. Yes.</p> <p>13 Q. When did you speak with her?</p> <p>14 A. It would have been that afternoon.</p> <p>15 Q. Prior to checking the video?</p> <p>16 A. Yes, to determine the time frame in</p> <p>17 which to view the videos.</p> <p>18 Q. Did you ever respond to Ms. Toomey in</p> <p>19 any fashion and inform her that you had viewed the</p> <p>20 video?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. Did you let her know that Defendant</p> <p>23 Halcovage, by your view of the videos, was</p> <p>24 escorted?</p>	<p>Page 101</p> <p>1 regarding an employee in the county's tax</p> <p>2 assessment office, Helene O'Connor, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 Ms. O'Connor was a contract employee of</p> <p>6 the county at this time, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And her contract had expired, correct?</p> <p>9 A. That's my understanding, yes.</p> <p>10 Q. Okay.</p> <p>11 In this e-mail, Ms. Toomey in the second</p> <p>12 sentence, indicates that Ms. O'Connor was not</p> <p>13 willing to continue to work for less than \$40 an</p> <p>14 hour.</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Do you recall, was this e-mail the first</p> <p>18 time you learned that Ms. O'Connor was requesting</p> <p>19 a pay increase?</p> <p>20 A. Yes.</p> <p>21 Q. That specific increase, so the 40 an</p> <p>22 hour, was -- was denied, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know by whom?</p>
<p>Page 100</p> <p>1 A. I do believe so.</p> <p>2 Q. When did you inform her of that?</p> <p>3 A. It may have been that afternoon.</p> <p>4 Q. What was her response?</p> <p>5 A. I don't recall.</p> <p>6 Q. Was the video preserved?</p> <p>7 A. To my knowledge, yes.</p> <p>8 Q. By whom?</p> <p>9 A. The sheriff's department.</p> <p>10 Q. Did you instruct them to do so?</p> <p>11 A. No.</p> <p>12 MS. SMITH: I am going to mark Doe</p> <p>13 Supplement 344 as 280.</p> <p>14 - - -</p> <p>15 (Doe 344 marked as Exhibit-280 for</p> <p>16 identification.)</p> <p>17 - - -</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Ms. Kutzler, do you recognize this</p> <p>20 document?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 This is an October 15, 2020, e-mail to</p> <p>24 you and other county employees from Ms. Toomey</p>	<p>Page 102</p> <p>1 A. Mr. Bender.</p> <p>2 Q. Was it ever put to the salary board for</p> <p>3 a vote?</p> <p>4 A. Eventually, yes.</p> <p>5 Q. The 40?</p> <p>6 A. The 40, no.</p> <p>7 Q. Okay.</p> <p>8 Was the \$40 an hour ever put to the</p> <p>9 commissioners for a vote?</p> <p>10 A. No, not to my knowledge.</p> <p>11 Q. Were you involved in the decision to</p> <p>12 deny her \$40 an hour?</p> <p>13 A. No.</p> <p>14 Q. Were you involved in any discussions</p> <p>15 regarding whether Ms. O'Connor should receive \$40</p> <p>16 an hour?</p> <p>17 A. No.</p> <p>18 Q. Do you know, other than Mr. Bender, was</p> <p>19 anyone else involved?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. You were eventually the one who informed</p> <p>22 Ms. O'Connor her pay increase request to 40 an</p> <p>23 hour was denied?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 103</p> <p>1 Q. And that was at the instruction of Mr. 2 Bender? 3 A. Yes. 4 Q. Do you know, did you or do you know, did 5 anyone for the county discuss or consult with Ms. 6 Toomey and Ms. Gerchak prior to the denial of the 7 \$40 an hour pay request? 8 A. Not to my knowledge. 9 Q. Were you instructed not to consult with 10 them? 11 A. No. 12 Q. Is there a reason why you didn't? 13 A. With -- my understanding is that with 14 the contractors agreements, those were handled 15 through this solicitors' office. So Glenn Roth, 16 Mr. Roth would be the individual who would draft 17 any agreements with independent contractors. 18 Q. So Mr. Bender would make the decision, 19 but Glenn Roth would draft the agreement? 20 A. Yes. 21 Q. So -- but was -- to your knowledge, was 22 Glenn Roth -- Roth involved in the decision 23 regarding the contractor and the negotiations? 24 A. I don't know that.</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Yes. 2 Q. And did -- had Ms. Detweiler resigned at 3 that point, do you know? 4 A. I never worked with -- there when Deb 5 Detweiler was there. 6 Q. Okay. 7 So do you know if -- strike that. 8 Do you know, is there a document of some 9 sort that indicates what levels, the number of 10 people and what positions each office, 11 specifically the tax assessment office, should be 12 operating with? 13 A. Not to my knowledge. 14 Q. Okay. 15 Do you know if the tax assessment office 16 in mid October of 2020 was fully staffed? 17 A. I don't know the answer to that. 18 Q. Okay. 19 So it's possible that it could have been 20 understaffed? 21 A. Possibly, yes. 22 Q. Okay. 23 And definitely having at least one 24 employee out on maternity leave would leave you</p>
<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. 2 So it sounds like you were just the -- 3 the -- kind of middleman? 4 A. I was the communicator. 5 Q. Okay. That's a better term. I like 6 that. 7 In the next sentence after the \$40 an 8 hour reference, it says: Therefore, annual 9 certification will not be done by November 15th. 10 Denise and I do not have the staff or training to 11 complete it. 12 In early October of 2020 or mid October 13 of 2020, what was your understanding of the 14 staffing -- whether there was staffing issues in 15 the tax assessment office? 16 A. Other than Ms. Kleckner and Ms. Goodman 17 working from home, they had an individual who was 18 on maternity leave. 19 Q. Is that Ms. Mayer? 20 A. Yes. 21 Q. Okay. 22 And then there was this issue with 23 Ms. O'Connor being able to continue to work; is 24 that correct?</p>	<p style="text-align: right;">Page 106</p> <p>1 understaffed? 2 A. Yes. 3 Q. And would you agree that Ms. Kleckner 4 and Ms. Goodman working from home and being that 5 this is before October 27, 2020, that they were 6 not fully set up to work from home, that would 7 impact the operations of the office too, correct? 8 A. It could, yes. 9 Q. After you received this e-mail, did you 10 speak with Ms. Toomey or Ms. Gerchak about the 11 statement, Denise and I do not have the staff or 12 training to complete it? 13 A. No. 14 Q. Did you ask them what, if anything, the 15 county could do to ensure that they had the staff 16 and training to complete the -- to optimally 17 operate? 18 A. No. 19 Q. Do you know, did anyone on behalf of the 20 county speak with Ms. Toomey regarding the 21 staffing issues she relays in this e-mail? 22 A. Not to my knowledge. 23 Q. In the next paragraph she states: As we 24 spoke about the work environment caused by the</p>



<p style="text-align: right;">Page 107</p> <p>1 sexual harassment issue, along with COVID -- COVID</p> <p>2 furlough and the new staff caused by the</p> <p>3 resignation of Deb Detweiler, interfered with the</p> <p>4 time and focus required for Denise and I to</p> <p>5 adequately train.</p> <p>6 So it looks like, I was correct, Deb</p> <p>7 Detweiler must have resigned some time prior to</p> <p>8 this?</p> <p>9 A. Yeah. I think she resigned prior to me</p> <p>10 coming on board with the county.</p> <p>11 Q. Okay.</p> <p>12 And Ms. Toomey, as -- at least in -- by</p> <p>13 her belief, stating that the resignation by Deb</p> <p>14 Detweiler also caused some staffing and</p> <p>15 operational issues.</p> <p>16 Would you agree?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 And when she says as we spoke about the</p> <p>20 work environment caused by, is that that meeting</p> <p>21 on that Saturday or Sunday that she's referring</p> <p>22 to?</p> <p>23 A. She may be.</p> <p>24 Q. Did you have any other conversation with</p>	<p style="text-align: right;">Page 109</p> <p>1 Administrator Bender not feeling that George</p> <p>2 Halcovage needed to be -- have the restrictions</p> <p>3 imposed on him by Sheriff Groody and that George</p> <p>4 Halcovage himself did not want to agree to not</p> <p>5 come into the courthouse.</p> <p>6 So would you agree with the fact that</p> <p>7 there was an inability or desire to supervisor</p> <p>8 George Halcovage?</p> <p>9 A. An inability.</p> <p>10 Q. Well, you don't think that Defendant</p> <p>11 Bender not wanting to have him wanded was a -- was</p> <p>12 his desire not to supervisor George Halcovage?</p> <p>13 MS. PIPAK: Objection to form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: That wasn't Mr.</p> <p>16 Bender's job.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Okay.</p> <p>19 Well, Mr. Bender was Ms. Toomey and Ms.</p> <p>20 Gerchak's supervisor, correct?</p> <p>21 A. Uh-huh.</p> <p>22 Q. So making sure they had a safe,</p> <p>23 comfortable working environment, free from</p> <p>24 discrimination and retaliation would be his job,</p>
<p style="text-align: right;">Page 108</p> <p>1 her about the work environment caused by the</p> <p>2 sexual harassment around this time?</p> <p>3 A. There were comments that were made when</p> <p>4 we would communicate with one another, that they</p> <p>5 felt that the sexual harassment situation was</p> <p>6 creating a more difficult situation for them to</p> <p>7 effectively manage the department.</p> <p>8 Q. Did you have any reason to disagree with</p> <p>9 her? Is there anything that you saw or observed</p> <p>10 that made you believe that that was not true?</p> <p>11 A. No.</p> <p>12 Q. Was there anything you saw or observed</p> <p>13 that made you believe that that was, in fact,</p> <p>14 the -- the truth?</p> <p>15 A. Not anything that I directly observed.</p> <p>16 Q. The next paragraph states: Also in</p> <p>17 light of the fact that county administration</p> <p>18 doesn't have the ability or desire to supervisor</p> <p>19 George Halcovage, Denise and I will be asking</p> <p>20 our -- our attorney to obtain his work schedule so</p> <p>21 that we can work outside of the building on days</p> <p>22 that he is here. As I mentioned earlier, our work</p> <p>23 environment is becoming more difficult.</p> <p>24 We talked a little bit about County</p>	<p style="text-align: right;">Page 110</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And if they had made it known that they</p> <p>4 didn't -- as Ms. Toomey says here, that they</p> <p>5 didn't want to work in the building when he was</p> <p>6 there, implementing or at least engaging in an</p> <p>7 interactive discussion with them to figure out</p> <p>8 what would make them more comfortable would be his</p> <p>9 job?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 Do you feel that Mr. Bender engaged in</p> <p>13 an interactive discussion with Ms. Toomey and/or</p> <p>14 Ms. Gerchak to find out how --</p> <p>15 MS. PIPAK: Object to --</p> <p>16 BY MS. SMITH:</p> <p>17 Q. How they -- what the county could do to</p> <p>18 make them feel more confident?</p> <p>19 MS. PIPAK: I'll just object to the</p> <p>20 form.</p> <p>21 But you can answer.</p> <p>22 Sorry about that.</p> <p>23 THE WITNESS: I think Gary was open</p> <p>24 to discussions with them, but they wouldn't engage</p>

<p>Page 111</p> <p>1 him because of him being a defendant.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Okay.</p> <p>4 So you did learn at some point that he</p> <p>5 was a defendant?</p> <p>6 A. Yes.</p> <p>7 Q. Did you feel that they were justified in</p> <p>8 not wanting to speak with him being he was a</p> <p>9 defendant?</p> <p>10 A. Well, I think that, you know, from my</p> <p>11 perspective, he's their supervisor. They did need</p> <p>12 to keep the lines of communication open and if</p> <p>13 they were willing to do that via e-mail, then that</p> <p>14 would have been the tool of choice, but it didn't</p> <p>15 even happen then. I can understand why they</p> <p>16 wouldn't want to talk directly to him, but</p> <p>17 ultimately he was their supervisor.</p> <p>18 Q. Okay.</p> <p>19 Ms. Kutzler, if you look at the ccs,</p> <p>20 the --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- carbon copies of the recipients, Mr.</p> <p>23 Bender is included on this e-mail chain, is he</p> <p>24 not?</p>	<p>Page 113</p> <p>1 that it was futile to engage Mr. Bender after he</p> <p>2 failed to respond to this e-mail?</p> <p>3 MR. LEES: Objection to the form.</p> <p>4 You can answer.</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Were any discussions by you or anyone</p> <p>9 else on behalf of the county had with Ms. Toomey</p> <p>10 or Ms. Gerchak about posting open positions to</p> <p>11 fill, so that the staffing issue Ms. Toomey is</p> <p>12 referencing in her e-mail could be addressed?</p> <p>13 A. There would have been conversations with</p> <p>14 Heather Garrity, who administers all of the job</p> <p>15 postings, because the positions would have been</p> <p>16 under AFSCME, so under the union contract, so we</p> <p>17 would follow that posting protocol.</p> <p>18 Q. Do you recall those conversations</p> <p>19 actually occurring?</p> <p>20 A. Between Ms. Garrity and..?</p> <p>21 Q. Were you -- I guess if you were there,</p> <p>22 did they occur in your presence; were you privy to</p> <p>23 those?</p> <p>24 A. Not in my presence.</p>
<p>Page 112</p> <p>1 A. Yes.</p> <p>2 Q. And Ms. Toomey in this states that she</p> <p>3 feels that there is an inability or a lack of</p> <p>4 ability or desire to supervise and she wants to</p> <p>5 work outside the building on days that Defendant</p> <p>6 Halcovage is in the courthouse, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And she indicates that she believes her</p> <p>9 work environment is becoming more difficult,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 So was this not her communicating with</p> <p>14 her supervisor, Mr. Bender, as well as HR about</p> <p>15 what she needed from the county?</p> <p>16 A. Yeah. Yes.</p> <p>17 Q. Did Mr. Bender ever respond to her?</p> <p>18 A. Not to my knowledge.</p> <p>19 Q. Did Mr. Bender ever instruct you to</p> <p>20 engage in conversations with Ms. Toomey or Ms.</p> <p>21 Gerchak about how they could have a safe and a</p> <p>22 comfortable working environment?</p> <p>23 A. No.</p> <p>24 Q. Would you understand why Ms. Toomey felt</p>	<p>Page 114</p> <p>1 Q. Okay.</p> <p>2 So you don't know that they actually</p> <p>3 occurred?</p> <p>4 A. Correct.</p> <p>5 Q. If they occurred, they'd have to follow</p> <p>6 AFSCME protocols?</p> <p>7 A. Yes.</p> <p>8 Q. But you're not -- have no knowledge,</p> <p>9 personal knowledge of them actually occurring?</p> <p>10 A. Correct.</p> <p>11 Q. Do you have any personal knowledge of</p> <p>12 any positions in the tax claim bureau -- I'm</p> <p>13 sorry -- yeah, tax claim bureau or tax assessment</p> <p>14 office being posted in the October to, let's say,</p> <p>15 end of December 2020 range?</p> <p>16 A. There may have been a clerk's position,</p> <p>17 yeah.</p> <p>18 Q. But that -- if that, that would be it?</p> <p>19 A. Yeah.</p> <p>20 Q. Okay.</p> <p>21 A. Yeah. No other -- no field appraisers,</p> <p>22 market analysts, or anything like that.</p> <p>23 Q. Do you know how many field appraisers</p> <p>24 the office -- the tax assessment office should</p>

<p>Page 115</p> <p>1 have at any given time?</p> <p>2 A. Not how many they should have. I know</p> <p>3 how many they had.</p> <p>4 Q. Okay.</p> <p>5 How many did they have?</p> <p>6 A. Three.</p> <p>7 Q. Did any of those individuals -- one of</p> <p>8 them was Melissa Goodman, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And so she was having issues with job</p> <p>11 duties given technological and supply issues,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. So probably not performing up to typical</p> <p>15 standards for her, correct?</p> <p>16 A. Agreed.</p> <p>17 Q. And do you remember who the other two</p> <p>18 were?</p> <p>19 A. Chrissy Zimmerman and -- I don't</p> <p>20 remember her name. I can see her face, but I</p> <p>21 can't remember her name.</p> <p>22 Q. It wasn't Tiffany, correct?</p> <p>23 A. It wasn't Tiffany.</p> <p>24 Q. Okay. I can't remember the other</p>	<p>Page 117</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 Did you know that she was maybe one of</p> <p>4 the most knowledgeable tax assessment employees in</p> <p>5 the county?</p> <p>6 A. I assumed --</p> <p>7 MS. PIPAK: Objection to form.</p> <p>8 You can answer.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. You can answer.</p> <p>11 A. Yeah, knowing her years of service.</p> <p>12 Q. Okay.</p> <p>13 So I just want to ask you a question</p> <p>14 before I forget. You had mentioned this</p> <p>15 interaction you had with Mr. Halcovage where he</p> <p>16 refused to not take your bag.</p> <p>17 Did you document that, write it in any</p> <p>18 sort of HR document that was put into his</p> <p>19 personnel file in any way?</p> <p>20 A. No.</p> <p>21 Q. Did you report it to anyone?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. It was an interaction that I felt I</p>
<p>Page 116</p> <p>1 person.</p> <p>2 Did --</p> <p>3 A. Tiffany had gone through her CPE courses</p> <p>4 and maybe Chrissy went through the CPE courses at</p> <p>5 the same time. I don't remember specifically.</p> <p>6 Q. Did either of those -- whom ever they</p> <p>7 were, did either of those field appraisers leave</p> <p>8 during your employment with the county?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Okay.</p> <p>11 I'm sorry if you answered this.</p> <p>12 Did Mr. Bender tell you why he wouldn't</p> <p>13 approve Ms. O'Connor's pay increase request for 40</p> <p>14 an hour?</p> <p>15 A. No. He did tell me that he would meet</p> <p>16 them -- meet her halfway. She was making \$30 an</p> <p>17 hour. She requested 40, he was agreeable to 35.</p> <p>18 Q. Do you know anything about</p> <p>19 Ms. O'Connor's training and experience?</p> <p>20 A. No.</p> <p>21 Q. For the position she held?</p> <p>22 A. No.</p> <p>23 Q. Did you know she was a long-time</p> <p>24 employee with the county?</p>	<p>Page 118</p> <p>1 handled appropriately.</p> <p>2 Q. Did it make you uncomfortable?</p> <p>3 A. Yes.</p> <p>4 Q. Do you feel that he would have acted the</p> <p>5 same way if you had been a man?</p> <p>6 A. No.</p> <p>7 Q. Again, I'm sorry if I -- I asked this.</p> <p>8 Did you actively engage in contract</p> <p>9 negotiations with Ms. O'Connor?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 You just were the communicator of the</p> <p>13 decisions?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 But Mr. Bender did actively engage in</p> <p>17 contract negotiations with Ms. --</p> <p>18 A. I don't think he even had any</p> <p>19 conversations with Helene.</p> <p>20 Q. Okay.</p> <p>21 So he just told -- you told him she</p> <p>22 wants 40. He told you I'll meet her halfway. You</p> <p>23 told Helene he would meet her halfway?</p> <p>24 A. Yeah.</p>

<p style="text-align: right;">Page 119</p> <p>1 Q. Okay.</p> <p>2 A. And I worked -- I worked with Mr. Roth.</p> <p>3 Q. Okay.</p> <p>4 And that's for the addendum to her</p> <p>5 contract?</p> <p>6 A. Yes.</p> <p>7 Q. All right.</p> <p>8 When you say you worked with Mr. Roth,</p> <p>9 did you just tell him what the information kind of</p> <p>10 to be inputted -- input into the addendum was?</p> <p>11 A. Yes.</p> <p>12 Q. Like amount? You didn't actually do any</p> <p>13 of the drafting of any of documents?</p> <p>14 A. No, I did not.</p> <p>15 Q. Okay.</p> <p>16 So you basically were -- just</p> <p>17 communicated information to him?</p> <p>18 A. Yes.</p> <p>19 Q. So he could prepare it, you then</p> <p>20 communicated it to Ms. O'Connor?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 A. It was Glenn, Gary said.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 121</p> <p>1 Bender, right?</p> <p>2 A. Yes.</p> <p>3 Q. The -- now there's a paragraph that</p> <p>4 says: Now therefore, it's the -- the second of</p> <p>5 the two and there's a list of numbered points,</p> <p>6 one, two, three, four.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Where did this information come from?</p> <p>10 A. That was -- that -- those instructions</p> <p>11 were directed by Mr. Bender to Mr. Roth to include</p> <p>12 in the addendum.</p> <p>13 Q. Again, through you as the communicator</p> <p>14 or --</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 So Mr. Bender said, in addition to</p> <p>18 giving her 35, we're going to require these four</p> <p>19 other additional items?</p> <p>20 A. Yes.</p> <p>21 Q. All right.</p> <p>22 Did you have any input or involvement in</p> <p>23 these additional items?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 120</p> <p>1 A. This is what you need to do.</p> <p>2 Q. So, again, just the communicator?</p> <p>3 A. Yes.</p> <p>4 MS. SMITH: Going to look at Doe</p> <p>5 Supplemental 3138. It will be 281.</p> <p>6 ---</p> <p>7 (Doe 3138 marked as Exhibit-281 for</p> <p>8 identification.)</p> <p>9 ---</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Do you recognize this document?</p> <p>12 A. Yes.</p> <p>13 Q. And is this the addendum that you</p> <p>14 communicated on behalf of Mr. Roth and Mr. Bender</p> <p>15 to Helene O'Connor?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 So obviously if we look in the middle --</p> <p>19 about the middle of the page in the second</p> <p>20 paragraph, it talks about the 35. That's that</p> <p>21 middle point that Gary Bender agreed to meet</p> <p>22 Ms. O'Connor at, correct?</p> <p>23 A. Yes.</p> <p>24 Q. So that information came from Mr.</p>	<p style="text-align: right;">Page 122</p> <p>1 Q. Did Mr. Bender ever speak with the --</p> <p>2 Ms. Toomey or Ms. Gerchak regarding this on-site</p> <p>3 training and transfer of knowledge, as it's</p> <p>4 termed, these four bullet points?</p> <p>5 A. No.</p> <p>6 Q. Take a look at them if you need to. My</p> <p>7 question to you is: Do you believe that these</p> <p>8 additional items, these four bullet points,</p> <p>9 require additional work by Ms. Toomey or Ms.</p> <p>10 Gerchak?</p> <p>11 A. No.</p> <p>12 Q. Prior to this ad -- so this addendum was</p> <p>13 signed at some point, correct?</p> <p>14 A. Yes.</p> <p>15 Q. All right.</p> <p>16 So prior to this addendum being signed,</p> <p>17 if we look at Bullet Point 2, was there weekly</p> <p>18 project status meetings that were being held to</p> <p>19 assess training status and retention levels?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. So would that not impose an additional</p> <p>22 duty and time constraint, I guess, on Ms. Toomey</p> <p>23 and Ms. Gerchak?</p> <p>24 A. Yes.</p>



<p>Page 123</p> <p>1 Q. Okay.</p> <p>2 Bullet Point No. 3 says: Contractor</p> <p>3 would -- will provide a status document to HR</p> <p>4 director and county administrator, outlining the</p> <p>5 completed training and process regarding accuracy.</p> <p>6 For the time that you were employed</p> <p>7 there, the HR director would have been you to whom</p> <p>8 it was provided, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Would you have any ability to evaluate</p> <p>11 the contents of that, given, I guess, not to be</p> <p>12 rude, your lack of knowledge in tax assessment and</p> <p>13 tax claims?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 A. I would do the conduit in which it would</p> <p>17 be provided to the county administrator.</p> <p>18 Q. So that you would just communicate -- it</p> <p>19 would be given to you to give to Mr. Bender.</p> <p>20 Is that something in your training and</p> <p>21 experience that you've seen happen, where the HR</p> <p>22 is just this communicator?</p> <p>23 A. Oh, yeah.</p> <p>24 Q. Okay.</p>	<p>Page 125</p> <p>1 someone else with more experience, hopefully</p> <p>2 there's a transfer of knowledge just in the</p> <p>3 natural progression?</p> <p>4 A. Yes.</p> <p>5 Q. But this addendum requires kind of a</p> <p>6 memorialization of that transfer, which might</p> <p>7 impose -- which imposes by the sheer fact of</p> <p>8 having to memorialize it imposes additional</p> <p>9 duties?</p> <p>10 A. Yes.</p> <p>11 Q. So while Mr. Bender was, by you, quote,</p> <p>12 unquote, saying I'll meet her in the middle by</p> <p>13 giving her \$5, as opposed to a \$10 increase, he's</p> <p>14 also giving her additional duties, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Were you still employed by the county</p> <p>18 when Mr. Hatter or Alu were hired?</p> <p>19 A. No.</p> <p>20 Q. So Ms. Toomey and Ms. Gerchak were still</p> <p>21 departments of both -- department heads of both</p> <p>22 departments when you were -- when you first left</p> <p>23 the county?</p> <p>24 A. Yes.</p>
<p>Page 124</p> <p>1 Is there any reason why it just couldn't</p> <p>2 be communicated directly to the county</p> <p>3 administrator?</p> <p>4 A. No. No reason not to.</p> <p>5 Q. Do you think that Mr. Bender was an</p> <p>6 approachable individual for his employees?</p> <p>7 A. Yes.</p> <p>8 Q. Do you think that the fact that you as</p> <p>9 the HR director was this communicator middleman</p> <p>10 made it seem like he was might not be</p> <p>11 approachable?</p> <p>12 A. A perception, yeah.</p> <p>13 Q. You would agree that this addendum</p> <p>14 imposes additional duties and responsibilities on</p> <p>15 Ms. O'Connor, correct?</p> <p>16 A. I would think it would happen in the</p> <p>17 natural course of what she was doing and the</p> <p>18 services that she was providing to the county and</p> <p>19 the tax assessment office. So to put it on</p> <p>20 record, if you will, to have the transfer of</p> <p>21 knowledge take place, yeah, if there was more</p> <p>22 focus put on it, then, yeah, it could potentially.</p> <p>23 Q. And so maybe -- I think as I understand</p> <p>24 your testimony, generally if someone works with</p>	<p>Page 126</p> <p>1 Q. Okay.</p> <p>2 And that -- just so the report is clear,</p> <p>3 I am saying first about the county because you</p> <p>4 left at some point and then went back for a second</p> <p>5 contract, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And we'll -- we'll get to that later.</p> <p>9 Given what we reviewed in Ms. Toomey's</p> <p>10 e-mail about her belief about the short staffing</p> <p>11 and the resignation of Deb Detweiler, we talked</p> <p>12 about Marcy -- Ms. Kleckner and Ms. Goodman</p> <p>13 working from home. She in -- Ms. Toomey in her</p> <p>14 e-mail mentioned the CPE training.</p> <p>15 Do you think this contract addendum with</p> <p>16 additional responsibilities, do you think it was</p> <p>17 the appropriate time for that?</p> <p>18 A. Maybe not.</p> <p>19 Q. Would you agree that even without</p> <p>20 staffing issues related to anyone else, the</p> <p>21 staffing issues and the work environment issues</p> <p>22 related to the sexual harassment claims, was a lot</p> <p>23 for any county office to handle?</p> <p>24 MR. LEES: Note my objection to</p>

<p>Page 127</p> <p>1 form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Okay.</p> <p>6 Understandable that any -- would you say</p> <p>7 it's understandable that any department or</p> <p>8 employer who has to deal with such allegations</p> <p>9 would be under a lot of stress and -- and</p> <p>10 pressure?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall informing Ms. Toomey that</p> <p>13 she would only see the addendum once it was</p> <p>14 executed?</p> <p>15 A. Ms. Toomey?</p> <p>16 Q. Yes. That she would only see it once</p> <p>17 Ms. O'Connor executed it?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 Why couldn't Ms. Toomey see it before</p> <p>21 Ms. O'Connor executed it?</p> <p>22 A. Again, it was my understanding from</p> <p>23 comm -- conversation with Mr. Bender, that</p> <p>24 independent contractor agreements were between the</p>	<p>Page 129</p> <p>1 Q. By the commissioners, correct?</p> <p>2 A. Yes.</p> <p>3 Q. At a commissioners' meeting?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know where the additional terms</p> <p>6 listed on the addendum as Nos. 1 through 4 that we</p> <p>7 just looked at, were those read at the</p> <p>8 commissioners' meeting when posed -- it was posed</p> <p>9 to the commissioners for a vote?</p> <p>10 A. No.</p> <p>11 Q. Was the addendum with the additional</p> <p>12 terms, that 1 through 4, shown to Commissioner</p> <p>13 Hess prior to being asked to vote on it?</p> <p>14 A. I don't know that.</p> <p>15 Q. You didn't show it to him?</p> <p>16 A. I did not. I would imagine Ms. Dietrich</p> <p>17 would have provided copies.</p> <p>18 Q. That's my next question.</p> <p>19 Who is Linda Dietrich?</p> <p>20 A. She's the chief clerk.</p> <p>21 Q. Why would she be the one to show the</p> <p>22 commissioners an item for vote?</p> <p>23 A. She facilitates all of the meetings, the</p> <p>24 agendas, and any supporting documents that come</p>
<p>Page 128</p> <p>1 county and the individual.</p> <p>2 Q. Well, you just agreed with me that it</p> <p>3 imposed additional duties on Ms. Toomey and Ms.</p> <p>4 Gerchak, correct?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that -- just --</p> <p>7 A. Yes.</p> <p>8 Q. And so wouldn't it be fair to show them</p> <p>9 that so they knew what additional duties were</p> <p>10 being imposed upon them?</p> <p>11 MR. LEES: Objection to form.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: That would have been</p> <p>14 an appropriate course of action.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. And, in fact, the addendum was created,</p> <p>17 drafted, and executed with additional duties for</p> <p>18 Ms. Toomey and Ms. Gerchak, but their job duties,</p> <p>19 their written job duties that the county has for</p> <p>20 each job were not edited or changed, amended in</p> <p>21 any way, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Was Ms. O'Connor's addendum voted on?</p> <p>24 A. Yes.</p>	<p>Page 130</p> <p>1 from HR, fiscal, a variety of departments.</p> <p>2 Q. Okay.</p> <p>3 So you don't have any knowledge that she</p> <p>4 did, in fact, show it to Commissioner Hess?</p> <p>5 A. I do not.</p> <p>6 Q. But if someone had, it would most likely</p> <p>7 be her?</p> <p>8 A. Yes.</p> <p>9 MS. SMITH: Okay. We are going to</p> <p>10 look at Doe 1115 through 1117.</p> <p>11 - - -</p> <p>12 (Doe 1115-1117 marked as Exhibit-282</p> <p>13 for identification.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. This is an e-mail chain between you and</p> <p>17 Ms. Toomey and some other county officials being</p> <p>18 copied, correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right.</p> <p>21 I want to look to the first e-mail in</p> <p>22 the chain, which is actually going to be the last</p> <p>23 page.</p> <p>24 This is an October 22, 2020, e-mail from</p>

<p style="text-align: right;">Page 131</p> <p>1 Ms. Toomey to you and other county officials,</p> <p>2 including Mr. Bender, correct?</p> <p>3 A. Yes.</p> <p>4 Q. In it she inquires about Helene</p> <p>5 O'Connor's consulting agreement. She requests a</p> <p>6 copy. And she inquires about why she was bypassed</p> <p>7 as the department head; would you agree?</p> <p>8 A. Yes.</p> <p>9 Q. And you would agree that you did not</p> <p>10 discuss the contents of the addendum with Ms.</p> <p>11 Toomey prior to it being approved for submission</p> <p>12 to the commissioners for a vote, correct?</p> <p>13 A. Correct.</p> <p>14 Q. If we turn to the page prior to Doe</p> <p>15 1116, you respond the same day to Ms. Toomey.</p> <p>16 Looking at the third paragraph, it say:</p> <p>17 I am the one who recommended the steps to ensure</p> <p>18 the transfer of knowledge takes place within a</p> <p>19 definitive time frame.</p> <p>20 Can you tell me what you meant by that?</p> <p>21 A. That there would be the recording or</p> <p>22 documentation of the transfer of knowledge.</p> <p>23 Q. Okay.</p> <p>24 A. During the time period in which the</p>	<p style="text-align: right;">Page 133</p> <p>1 A. No.</p> <p>2 Q. So how did you come up with that, that</p> <p>3 March 31st date?</p> <p>4 A. It was a date that was directed to me.</p> <p>5 Q. Did you say, hey, let's talk with the</p> <p>6 department head?</p> <p>7 A. No.</p> <p>8 Q. Did you say maybe we should extend this,</p> <p>9 given what they're going through?</p> <p>10 A. No.</p> <p>11 Q. Why did you feel that it needed -- that</p> <p>12 the transfer of knowledge needed to be completed</p> <p>13 in a definitive time frame?</p> <p>14 A. So Helene could enjoy her retirement.</p> <p>15 Q. Did you discuss with Ms. O'Connor if she</p> <p>16 would be willing to stay a little bit longer given</p> <p>17 what the offices were going through?</p> <p>18 A. I did have a conversation with her. I</p> <p>19 do remember her commenting that she didn't want to</p> <p>20 do this forever.</p> <p>21 Q. Did you discuss with anybody at the</p> <p>22 county, defendants, plaintiffs, anyone at all</p> <p>23 about actively searching for additional employees</p> <p>24 to ensure that the tax assessment office had what</p>
<p style="text-align: right;">Page 132</p> <p>1 addendum speaks, through March 31st, I think it</p> <p>2 was.</p> <p>3 Q. So was it you who suggested all of the 1</p> <p>4 through 4 points --</p> <p>5 A. No.</p> <p>6 Q. -- or just -- explain that to me a</p> <p>7 little bit more. Like, what do you mean by time</p> <p>8 frame?</p> <p>9 A. That the transfer of knowledge would</p> <p>10 occur by the time she left.</p> <p>11 Q. Okay.</p> <p>12 So your -- the expiration date is -- of</p> <p>13 the contract addendum is March 31, 2021. So it</p> <p>14 was just you who suggested that these things and</p> <p>15 the transfer of knowledge occur by that end date?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 You just agreed or testified that you</p> <p>19 thought it would have been fair to maybe not</p> <p>20 address this transfer of knowledge at this point,</p> <p>21 given what the offices were going through.</p> <p>22 Did you speak with Ms. Toomey to figure</p> <p>23 out what length of time might be appropriate,</p> <p>24 given what she -- her offices were experiencing?</p>	<p style="text-align: right;">Page 134</p> <p>1 they needed to operate effectively at this time?</p> <p>2 A. No.</p> <p>3 Q. When you decided this definitive time</p> <p>4 frame, did you consider that there were a number</p> <p>5 of employees we were attending CPE training at the</p> <p>6 time?</p> <p>7 A. I wasn't aware of anyone in CPE courses,</p> <p>8 other than the month of September.</p> <p>9 Q. Did you consider that at this exact</p> <p>10 time, Ms. Goodman and Ms. Kleckner were still</p> <p>11 waiting to be set up for optimal work from home?</p> <p>12 A. Yes.</p> <p>13 Q. Did you think that that might mean the</p> <p>14 time should be -- did you think that that might</p> <p>15 mean the time should be extended on which the</p> <p>16 transfer of knowledge should take place?</p> <p>17 A. I didn't take that into consideration.</p> <p>18 Q. Do you think it's something you should</p> <p>19 have taken into consideration?</p> <p>20 A. Maybe.</p> <p>21 Q. Your e-mail goes on to state: I will be</p> <p>22 the one meeting with Helene to ensure the work</p> <p>23 performed is meeting the guidelines of the</p> <p>24 agreement.</p>

<p>Page 135</p> <p>1 I think you just indicated or agreed</p> <p>2 with me that it would have been hard for you to</p> <p>3 actually determine if her work was sufficient</p> <p>4 because you didn't have much knowledge about tax</p> <p>5 assessment, correct?</p> <p>6 A. Yes.</p> <p>7 Q. So why was it you that was picked to</p> <p>8 review this work?</p> <p>9 A. It was really, again, to be the conduit</p> <p>10 to receive the information, provide it to Mr.</p> <p>11 Bender.</p> <p>12 Q. So you wouldn't necessarily evaluate the</p> <p>13 work, you would just gather the information?</p> <p>14 A. Correct.</p> <p>15 Q. Was it -- this to me does not indicate,</p> <p>16 and correct me if I'm wrong, that you were to meet</p> <p>17 with Ms. Toomey and Ms. Gerchak to determine if</p> <p>18 the work was sufficient; would you agree?</p> <p>19 A. Correct.</p> <p>20 Q. Why was it that you weren't going to</p> <p>21 meet with them in addition to Ms. O'Connor to</p> <p>22 discuss the transfer of knowledge?</p> <p>23 A. I wasn't instructed to.</p> <p>24 Q. Who instructed you to meet with Helene?</p>	<p>Page 137</p> <p>1 in contract negotiations prior to you getting</p> <p>2 there?</p> <p>3 A. Correct.</p> <p>4 Q. So if Ms. Toomey and Ms -- if Ms. Toomey</p> <p>5 and/or Ms. Gerchak had, in fact, been involved in</p> <p>6 contract negotiations with their departmental</p> <p>7 contractors, is there any reason you can think of</p> <p>8 why they shouldn't have been involved in this one?</p> <p>9 A. No.</p> <p>10 Q. Is there any reason you can think of why</p> <p>11 they wouldn't have been involved, even if it</p> <p>12 wasn't prior practice?</p> <p>13 A. Other than not -- other than Mr. Bender</p> <p>14 not wanting to include them, no.</p> <p>15 Q. But do you think including the</p> <p>16 department heads in discussions about their</p> <p>17 departments was advisable?</p> <p>18 A. Yes.</p> <p>19 Q. Do you think that Mr. Bender's refusal</p> <p>20 was in order to create a hostile work or difficult</p> <p>21 work environment for the ladies?</p> <p>22 MR. LEES: Object -- just note my</p> <p>23 objection to the form.</p> <p>24 MS. PIPAK: Objection to the form.</p>
<p>Page 136</p> <p>1 A. Mr. Bender.</p> <p>2 Q. Did you say, hey, maybe I should meet</p> <p>3 with their supervisors too?</p> <p>4 A. I did.</p> <p>5 Q. And what was his response?</p> <p>6 A. No, don't do it.</p> <p>7 Q. Do you think that that was advisable?</p> <p>8 A. No.</p> <p>9 Q. Do you think that meeting with the</p> <p>10 people who the knowledge was to be transferred to</p> <p>11 would have been in the best interest of the</p> <p>12 county?</p> <p>13 A. Yeah. Yes.</p> <p>14 Q. In the last sentence of that paragraph</p> <p>15 it says: In addition, it is my understanding that</p> <p>16 the agreement with Helene is between her, HR, and</p> <p>17 the county. I think that's what you're kind of</p> <p>18 testifying here today to already.</p> <p>19 In this next sentence it says: I'm not</p> <p>20 aware of the process regarding agreements here at</p> <p>21 the courthouse prior to my assignment, which began</p> <p>22 on Friday, September 4, 2020.</p> <p>23 So is it -- it fair to say that you</p> <p>24 don't know if department heads had been involved</p>	<p>Page 138</p> <p>1 THE WITNESS: I'm sorry. Could you</p> <p>2 --</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Do you think Mr. Bender's decision to</p> <p>5 not include Ms. Toomey and/or Ms. Gerchak was in</p> <p>6 an effort to create a hostile or difficult work</p> <p>7 environment?</p> <p>8 A. No.</p> <p>9 Q. Why do you think it was?</p> <p>10 A. A hostile work environment?</p> <p>11 Q. No. Why do you think it was not -- why</p> <p>12 do you think his reason for not including them</p> <p>13 was? If it wasn't to create a hostile or</p> <p>14 difficult work environment, what was his purpose</p> <p>15 or reason?</p> <p>16 A. To really get the department functioning</p> <p>17 as it should.</p> <p>18 Q. How could the department get to</p> <p>19 functioning as it should if he wasn't actively</p> <p>20 engaging the department heads?</p> <p>21 A. That's the \$64,000 question.</p> <p>22 Q. Okay.</p> <p>23 So you believe that his reason was to</p> <p>24 get it working optimally, you just don't think he</p>



<p>Page 139</p> <p>1 executed it correctly?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay.</p> <p>4 Why are you so sure that it was to get</p> <p>5 them running effectively, the offices effectively,</p> <p>6 and not out of spite?</p> <p>7 A. Well, the tax assessment office is a</p> <p>8 money generator for the county and they bring in</p> <p>9 probably the largest revenue for the county. And</p> <p>10 without that department functioning and getting</p> <p>11 whatever reports, whatever tax bills out into the</p> <p>12 community, then there's -- there's no revenue</p> <p>13 generated.</p> <p>14 Q. Right.</p> <p>15 So obviously running that office</p> <p>16 optimally is important?</p> <p>17 A. Yeah.</p> <p>18 Q. My question is -- well, let's start with</p> <p>19 this: When you started with the county, were you</p> <p>20 made aware of how the office of tax assessment had</p> <p>21 been operating prior to the reports of sexual</p> <p>22 harassment?</p> <p>23 A. No.</p> <p>24 Q. Were you made aware that Ms. Toomey had</p>	<p>Page 141</p> <p>1 Q. Ms. Kutzler, I -- I think we talked --</p> <p>2 you were just saying how the tax assessment office</p> <p>3 operations is important because it's a money</p> <p>4 generator for the county. But why is it you're so</p> <p>5 sure that Gary Bender's conduct towards the</p> <p>6 assessment office was from a place of operational</p> <p>7 desires, as opposed to out of spite for being</p> <p>8 named a defendant?</p> <p>9 MR. LEES: Same -- same objection</p> <p>10 as to form.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: Gary was trying to</p> <p>13 keep the county running. Again, with him having</p> <p>14 oversight for the administrative departments,</p> <p>15 he -- he was doing the best he could. And if</p> <p>16 he -- if he could have removed George from the</p> <p>17 courthouse, he would have done it, but he</p> <p>18 didn't -- he didn't have the authority as well.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Do you think that Ms. Toomey and Ms.</p> <p>21 Gerchak were doing the best that they could under</p> <p>22 the circumstances?</p> <p>23 A. Yes.</p> <p>24 Q. Do you think that -- strike that.</p>
<p>Page 140</p> <p>1 turned the office around significantly in regards</p> <p>2 to different sales of properties to generate</p> <p>3 income for the -- for the county?</p> <p>4 A. No.</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 You can answer.</p> <p>7 MS. SMITH: She already did, but --</p> <p>8 can -- are you able to hear her?</p> <p>9 MS. PIPAK: Yeah.</p> <p>10 MS. SMITH: Gerry, are you having</p> <p>11 any trouble hearing us? Because, Maria, you are</p> <p>12 going in and out. I don't know if it's our end or</p> <p>13 yours.</p> <p>14 MR. GEIGER: No. I can hear you</p> <p>15 perfectly.</p> <p>16 MS. SMITH: Okay. Yeah, I don't</p> <p>17 know, Maria, if it's your connection. You are</p> <p>18 just going in and out, so our steno is having a</p> <p>19 hard time.</p> <p>20 MS. PIPAK: Okay. I'll try to be</p> <p>21 clearer.</p> <p>22 MS. SMITH: Yeah. There you go,</p> <p>23 that's better.</p> <p>24 BY MS. SMITH:</p>	<p>Page 142</p> <p>1 If I told you that Mr. Bender was not</p> <p>2 involved in day-to-day operations of the tax</p> <p>3 assessment office prior to the sexual harassment</p> <p>4 reports, would it change your opinion as to what</p> <p>5 the purpose of his involvement was post reports?</p> <p>6 A. Would it change --</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 Object to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: So would it change my</p> <p>11 opinion of how Gary interacted with the</p> <p>12 department?</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Yes.</p> <p>15 So to be more clear, so you were saying</p> <p>16 that you think Gary was interacting with the</p> <p>17 department because he needed these offices to</p> <p>18 operate --</p> <p>19 A. Right.</p> <p>20 Q. -- optimally?</p> <p>21 A. Yes.</p> <p>22 Q. If he hadn't been so interactive with</p> <p>23 the departments prior to the sexual harassment</p> <p>24 claims --</p>

<p>Page 143</p> <p>1 A. But now he was.</p> <p>2 Q. -- but now he was all of a sudden, the</p> <p>3 only change being the sexual harassment claims and</p> <p>4 him being a named defendant, would that change</p> <p>5 your opinion?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 Why not?</p> <p>9 A. Again, I don't think Mr. Bender was</p> <p>10 making decisions on how the department should be</p> <p>11 run because of the harassment case. He was making</p> <p>12 those decisions on behalf of the county as a</p> <p>13 whole.</p> <p>14 Q. Did you or anyone on behalf of Hubric</p> <p>15 Resources engage in contract discussions with any</p> <p>16 other county contractor?</p> <p>17 A. No.</p> <p>18 Q. Do you know if any other county</p> <p>19 contractor's contract was extended during the time</p> <p>20 Hubric Resources was in place at the county?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. If we look, still on Page 2, Doe 1116.</p> <p>23 The last sentence, the last paragraph,</p> <p>24 it says: You cannot speak to how this type of</p>	<p>Page 145</p> <p>1 tax assessment and tax claim offices aren't the</p> <p>2 only two offices within the county.</p> <p>3 Q. So were --</p> <p>4 A. That I was supporting.</p> <p>5 Q. So were you doing those specific items</p> <p>6 you listed for other county offices?</p> <p>7 A. Some.</p> <p>8 Q. Okay.</p> <p>9 Do you remember which ones?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 Sorry, I just -- keep that e-mail chain</p> <p>13 in front of you. Just one last question.</p> <p>14 A. Yep.</p> <p>15 Q. Maybe a couple more.</p> <p>16 You would agree that nowhere in this</p> <p>17 e-mail chain or that response do you ask or -- or</p> <p>18 invite Ms. Toomey's feedback or input regarding</p> <p>19 the addendum and/or information regarding the</p> <p>20 needs of the tax assessment office?</p> <p>21 A. Correct.</p> <p>22 Q. All right. We're going to go to the</p> <p>23 first page of the document, 1115.</p> <p>24 There's two responses here from Ms.</p>
<p>Page 144</p> <p>1 agreement was handled in the past. But I am</p> <p>2 working perspectively to provide all employees and</p> <p>3 departments with support to the greatest extent</p> <p>4 possible.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. What things were you doing to work</p> <p>8 perspectively to provide the tax assessment office</p> <p>9 with support?</p> <p>10 A. Well, it would be the responsibilities</p> <p>11 on a day-to-day basis of any employee-relations</p> <p>12 issue, any recruiting needs, training --</p> <p>13 Q. Did you --</p> <p>14 A. -- development of the employees.</p> <p>15 Q. Did you speak with Ms. Toomey or Ms.</p> <p>16 Gerchak regarding those specific -- specific</p> <p>17 items?</p> <p>18 A. No.</p> <p>19 Q. So those are things you could have done</p> <p>20 to work perspectively to provide them with</p> <p>21 support, but that you did not do?</p> <p>22 A. Correct.</p> <p>23 Q. Why didn't you?</p> <p>24 A. The county is a large employer and the</p>	<p>Page 146</p> <p>1 Toomey to that last e-mail we looked at from you.</p> <p>2 The first, she indicates that she believes that</p> <p>3 county administration still allowing Defendant</p> <p>4 Halcovage to contribute to the hostile work</p> <p>5 environment that continues.</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. Thirty-plus years of human resources,</p> <p>9 I'm sure you're aware of the words hostile work</p> <p>10 environment being a somewhat legal term in -- in</p> <p>11 the field of employment law, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And it's illegal for employers to engage</p> <p>14 in a hostile work environment of their employees,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Knowing that, did you ever investigate</p> <p>19 Ms. Toomey's report of a hostile work environment?</p> <p>20 A. No.</p> <p>21 Q. Did you ever ask her what she meant?</p> <p>22 A. No.</p> <p>23 Q. Did you ever ask her why she felt that</p> <p>24 way?</p>

<p style="text-align: right;">Page 147</p> <p>1 A. No.</p> <p>2 Q. Other than your response at the top of</p> <p>3 the chain on that page.</p> <p>4 A. Yes.</p> <p>5 Q. Did you ever send her any other</p> <p>6 response, either written or communicated to her,</p> <p>7 regarding this e-mail chain con -- contact?</p> <p>8 A. Not that I recall.</p> <p>9 Q. That e-mail response simply -- that we</p> <p>10 were just referring to before simply states,</p> <p>11 nothing has changed regarding the department head</p> <p>12 communicating with contractors, correct?</p> <p>13 A. Yes.</p> <p>14 Q. What changed between your October 22,</p> <p>15 10:07 e-mail, which is the one on the page prior</p> <p>16 and this e-mail regarding your knowledge as to</p> <p>17 what contract negotiations previously included?</p> <p>18 A. I'm sorry. Can you clarify?</p> <p>19 Q. Sure.</p> <p>20 So in the -- we've talked about in this</p> <p>21 other e-mail on Page 1116, that you didn't know</p> <p>22 about how contract negotiations used to be, right.</p> <p>23 So if you don't know how they used to be, how can</p> <p>24 you say that nothing's changed?</p>	<p style="text-align: right;">Page 149</p> <p>1 He would never provide you with his own</p> <p>2 directed response on how to respond?</p> <p>3 A. No.</p> <p>4 Q. All right.</p> <p>5 So is this response on the top of that</p> <p>6 page at the direction of counsel?</p> <p>7 A. No. This would have been --</p> <p>8 MS. PIPAK: Object to form.</p> <p>9 MS. SMITH: This is advice of</p> <p>10 counsel and it's been produced.</p> <p>11 MS. PIPAK: Your question was</p> <p>12 asking, though, where that came from, so -- but I</p> <p>13 think she answered no, so I think...</p> <p>14 MR. LEES: I think it's moot, she</p> <p>15 did say no.</p> <p>16 MS. PIPAK: Right.</p> <p>17 THE WITNESS: It was not based</p> <p>18 upon -- that -- that response is not based upon</p> <p>19 counsel.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Okay.</p> <p>22 Is this response based on anything from</p> <p>23 Gary Bender?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 148</p> <p>1 MR. LEES: Objection to the form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: Well, I didn't know.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Okay.</p> <p>6 Is that because Mr. Bender was telling</p> <p>7 you how to respond to Ms. Toomey?</p> <p>8 A. Yes.</p> <p>9 Q. When you would respond to Ms. Toomey</p> <p>10 or -- let's strike that.</p> <p>11 When you got an e-mail from Ms. Toomey,</p> <p>12 did you go to Mr. Bender and say, how do we</p> <p>13 respond to this or what should I do?</p> <p>14 A. Not on every occasion.</p> <p>15 Q. On some occasions?</p> <p>16 A. On some.</p> <p>17 Q. And would Mr. Bender, at least on some</p> <p>18 occasions, tell you how you were to respond?</p> <p>19 A. He would refer me to counsel.</p> <p>20 Q. Can you tell me which counsel he would</p> <p>21 refer you to? Are you talking about a solicitor</p> <p>22 or like an outside counsel?</p> <p>23 A. Outside counsel.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 150</p> <p>1 Q. Okay.</p> <p>2 He told you how to respond?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 So I think -- I just want to clarify</p> <p>6 that in an earlier question. There were times</p> <p>7 that you went to Mr. Bender about Ms. Toomey's</p> <p>8 e-mails and he directly told you himself how to</p> <p>9 respond?</p> <p>10 A. Yes.</p> <p>11 Q. There were times he directed you to</p> <p>12 counsel?</p> <p>13 A. Yes.</p> <p>14 Q. But other times that he instructed you</p> <p>15 how to respond?</p> <p>16 A. Yes.</p> <p>17 Q. Other than telling you how to respond,</p> <p>18 did Mr. Bender ever draft an e-mail response for</p> <p>19 you?</p> <p>20 A. No.</p> <p>21 Q. Did he ever send you in e-mail, like</p> <p>22 a -- what you should copy and paste in response?</p> <p>23 A. No.</p> <p>24 Q. Did most of your communications</p>

<p style="text-align: right;">Page 151</p> <p>1 regarding -- most or all of your communications or</p> <p>2 something different, regarding Ms. Toomey's to you</p> <p>3 with Mr. Bender, occur in person?</p> <p>4 A. Yes.</p> <p>5 Q. Was that by your own decision or were</p> <p>6 you instructed to do that?</p> <p>7 A. We had a standing meeting every day --</p> <p>8 Q. Okay.</p> <p>9 A. -- at 4:00 p.m. and we would discuss the</p> <p>10 events of the day, what I was working on.</p> <p>11 Q. Was there ever a time that Mr. Bender</p> <p>12 told you to hold off or wait to respond to Ms.</p> <p>13 Toomey?</p> <p>14 A. No.</p> <p>15 MS. SMITH: I am going to mark 283.</p> <p>16 I am going to mark Doe 1121 through 1124 as Doe --</p> <p>17 as 283.</p> <p>18 ---</p> <p>19 (Doe 1121-1124 marked as Exhibit-283 for</p> <p>20 identification.)</p> <p>21 ---</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Do you recognize this e-mail chain?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 153</p> <p>1 to?</p> <p>2 A. Ms. Gerchak's.</p> <p>3 Q. In -- and she was in?</p> <p>4 A. Tax claim.</p> <p>5 Q. Her physical office was in tax claim,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 The material and supplies line items</p> <p>10 that's referenced in this e-mail, that's what you</p> <p>11 were referencing as the tax assessment budget,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. All right.</p> <p>15 Was it your initial idea to check the</p> <p>16 tax assessment budget for the supplies to purchase</p> <p>17 for Ms. Kleckner and Ms. Goodman or someone</p> <p>18 else's?</p> <p>19 A. That would have been directed through</p> <p>20 Paul Buber.</p> <p>21 Q. So I guess just walk me through what</p> <p>22 happened. So you talk with Gary Bender about Ms.</p> <p>23 Goodman and Ms. Kleckner needing supplies and that</p> <p>24 they needed to be purchased by the county. And</p>
<p style="text-align: right;">Page 152</p> <p>1 Q. Okay.</p> <p>2 And if we look to the bottom of the</p> <p>3 second page onto the third page, there is a</p> <p>4 October 27, 2020, 4:51 p.m. e-mail. The</p> <p>5 contents -- the time stamps and stuff is at the</p> <p>6 bottom of --</p> <p>7 A. Yep.</p> <p>8 Q. -- the second, but content is on the top</p> <p>9 of the third.</p> <p>10 Ms. Toomey's e-mail indicate that Ms.</p> <p>11 Gerchak had informed her that you had stopped into</p> <p>12 one of the offices that day to discuss the</p> <p>13 purchase of items for Ms. Kleckner and Ms.</p> <p>14 Goodman. Do you recall stopping down to discuss</p> <p>15 that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Is that when you learned -- I think you</p> <p>19 testified earlier to this, when you learned that</p> <p>20 there wasn't items in the budget and you had to go</p> <p>21 find that other source, which was the committee?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 Do you recall what office you stopped in</p>	<p style="text-align: right;">Page 154</p> <p>1 then he -- does he direct you to go to Paul Buber?</p> <p>2 A. I worked with Linda Dietrich because she</p> <p>3 coordinates all of -- the distribution of all of</p> <p>4 the office supplies, so the commissioner's office.</p> <p>5 Q. Okay.</p> <p>6 A. So Linda, Marybeth, and Wendy at the</p> <p>7 time, so you placed your orders through them. So</p> <p>8 the papers, the pens, the staples, that kind of</p> <p>9 thing.</p> <p>10 Q. Okay.</p> <p>11 A. And then a PO needed to be submitted and</p> <p>12 I worked with Paul Buber in fiscal to make the</p> <p>13 request for the laptop, monitor, printer,</p> <p>14 keyboards, mice, all of the electronic --</p> <p>15 Q. Okay.</p> <p>16 A. -- equipment.</p> <p>17 Q. Okay.</p> <p>18 And so it was, correct me if I'm wrong,</p> <p>19 Paul Buber who instructed you that the items could</p> <p>20 be purchased, but the payment needed to come</p> <p>21 through --</p> <p>22 A. Through the -- run through the</p> <p>23 department budget.</p> <p>24 Q. Budget. Okay.</p>

<p>Page 155</p> <p>1 A. Yeah.</p> <p>2 Q. Are you aware then or now as to how</p> <p>3 department budgets impact the -- how the</p> <p>4 department's unit is operating. So whether</p> <p>5 they -- did the budget affect what they -- whether</p> <p>6 the department appears to be operating effectively</p> <p>7 or not effectively?</p> <p>8 So for instance, in like a private</p> <p>9 business, if you have a ton of money spent --</p> <p>10 A. Sure --</p> <p>11 Q. Going out, but not a lot of -- a ton of</p> <p>12 money coming in, the business isn't doing well.</p> <p>13 Is that the same for the budget with county -- the</p> <p>14 county offices?</p> <p>15 A. I don't think it runs like that.</p> <p>16 Q. Okay.</p> <p>17 A. Yeah. There's -- there's not a --</p> <p>18 there's not a clear line of sight between we're in</p> <p>19 the red, we're in the black.</p> <p>20 Q. Okay.</p> <p>21 And is this e-mail from Ms. Toomey to</p> <p>22 you, what I think you testified to earlier, where</p> <p>23 you learned that there wasn't money in the budget?</p> <p>24 A. Yes. She speaks to only have the \$8.40</p>	<p>Page 157</p> <p>1 have more money in, you know, conferences and</p> <p>2 seminars, but you don't have enough in materials</p> <p>3 and supplies, they transfer it internally.</p> <p>4 Q. Okay.</p> <p>5 So you think that if there was -- if</p> <p>6 money from the previously planned judicial sale</p> <p>7 was used for this equipment order, what -- that</p> <p>8 there would still be enough money in that other</p> <p>9 budget?</p> <p>10 A. Sometimes there is still enough money.</p> <p>11 Q. Okay.</p> <p>12 And what if there wasn't enough money,</p> <p>13 then what would happen to the judicial -- judicial</p> <p>14 sale?</p> <p>15 A. Well, my understanding was, there</p> <p>16 weren't any more judicial sales planned for that</p> <p>17 budget year.</p> <p>18 Q. Okay.</p> <p>19 A. So that money wouldn't have been spent.</p> <p>20 Q. Okay.</p> <p>21 So essentially it was excess money for</p> <p>22 the year?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. All right.</p>
<p>Page 156</p> <p>1 available in that line item.</p> <p>2 Q. Going to the page before that, the</p> <p>3 second page, Doe 1112. You tell her to process</p> <p>4 the budget adjusting to use the money previously</p> <p>5 planned for prior judicial sales so we can get the</p> <p>6 equipment ordered ASAP.</p> <p>7 So at that point, the equipment had not</p> <p>8 yet been ordered, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And do you know what impact the use of</p> <p>11 money you for judicial sale would have on</p> <p>12 county -- the county operations?</p> <p>13 A. As far as the budget transfer?</p> <p>14 Q. So would it negatively impact the</p> <p>15 ability of the county to have a judicial sale if</p> <p>16 they didn't have money to do so?</p> <p>17 A. No.</p> <p>18 Q. Well, what is money that's earmarked for</p> <p>19 a judicial sale used for?</p> <p>20 A. So they establish a budget and the --</p> <p>21 that amount -- my understanding is that amount is</p> <p>22 to cover those administrative expenses and if</p> <p>23 there's -- you know, you kind of rob Peter to pay</p> <p>24 Paul in the scheme of your budget. And if you</p>	<p>Page 158</p> <p>1 Do you know what goes into a budget</p> <p>2 adjustment?</p> <p>3 A. There is communications with Paul Buber</p> <p>4 in the physical department. And as those</p> <p>5 transactions take place, there is a form that is</p> <p>6 presented at a commissioner's meeting and that</p> <p>7 goes through an approval process.</p> <p>8 Q. So it's not -- would you say it's a</p> <p>9 simple process or a somewhat tedious process?</p> <p>10 A. It's standard accounting procedures, so</p> <p>11 that they can track the movement of that money.</p> <p>12 Q. I get it's standard. But I'm just</p> <p>13 trying to get at is, how long would it take</p> <p>14 someone to do that?</p> <p>15 A. Within a week or two.</p> <p>16 Q. But it takes additional work, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And so why was it that Angela Toomey,</p> <p>19 who was already overworked, was asked to do that?</p> <p>20 MR. LEES: Objection to form.</p> <p>21 THE WITNESS: It's driven by the</p> <p>22 fiscal office.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Why --</p>



<p style="text-align: right;">Page 159</p> <p>1 A. So it would just be a phone conversation  2 that Ms. Toomey would have with Mr. Buber to say,  3 I want to take money from this account and move it  4 to this account. And Paul does all of the prep  5 work for the commissioner's meeting. That's  6 his -- that's part of his responsibility, managing  7 the fiscal department.  8 Q. Okay. Thank you.  9 MS. SMITH: We're going to look at  10 Exhibit -- previously marked Exhibit-230.  11 ---  12 (Previously mark Exhibit-230.)  13 ---  14 BY MS. SMITH:  15 Q. Do you recognize this e-mail?  16 A. I do.  17 Q. And this, you would agree, is an  18 October 28, 2020, e-mail from Ms. Toomey to you,  19 as well as other county officials including Mr.  20 Bender?  21 A. Yes.  22 Q. Do you know if you ever responded to Ms.  23 Toomey's e-mail?  24 A. I do not recall.</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Okay.  2 So given that she didn't have the  3 necessary equipment to work from home, why was it  4 that she couldn't be told when it was safe for her  5 to enter the courthouse?  6 A. I'm sorry?  7 Q. So would there be any reason she  8 couldn't be told when it was safe to -- for her to  9 enter the courthouse?  10 A. No.  11 Q. Is there any reason she couldn't be told  12 if there was a day that the county knew that  13 Defendant Halcavage wasn't going to come in?  14 A. You never knew that.  15 Q. But if -- I mean, if he had something,  16 an event somewhere else that he was attending?  17 A. I didn't have access to Mr. Halcavage's  18 schedule, so I didn't know when he was in or out.  19 Q. Okay.  20 Is there any reason that an interactive  21 conversation with Ms. Goodman and Ms. Toomey  22 didn't occur -- well, let's start with that.  23 Strike that.  24 Did any kind of conversation by you or,</p>
<p style="text-align: right;">Page 160</p> <p>1 Q. You would agree that Ms. Toomey  2 indicates that Ms. Goodman needs to come into the  3 office that day to enter information into the  4 county systems, correct?  5 A. Yes.  6 Q. And the office at this point would be  7 meaning the county courthouse?  8 A. Correct.  9 Q. Okay.  10 She then, in her next sentence indicates  11 that this needs to be done for some other county  12 tax assessment work.  13 Would you agree?  14 A. Yes.  15 Q. And that then Ms. Goodman will not enter  16 the building if George Halcavage is here and asked  17 when -- to be let it known when it would be safe  18 for Ms. Goodman to enter the courthouse.  19 Given that Ms. Goodman didn't have --  20 well, let's start with this: She didn't have a  21 laptop by the next day after your October 27th  22 e-mail.  23 We can agree, right?  24 A. Yes.</p>	<p style="text-align: right;">Page 162</p> <p>1 to your knowledge, by anyone from the county occur  2 with Ms. Goodman or her supervisors regarding what  3 she needed to feel safe to enter the courthouse?  4 A. I don't know if it was as a result of  5 this particular e-mail, but we did have a  6 conversation about having them use the north  7 entrance, which is an employee entrance, into the  8 courthouse, rather than have the ladies come in  9 through the main entrance where there's a direct  10 line of sight to the commissioner's office.  11 The employees entrance, the north door,  12 they would enter, come down the steps, make a  13 right, take 10 or 15 steps, and then enter the tax  14 assessment office. So that was the shortest  15 course of entry with the potentially least  16 likelihood of a sighting.  17 Q. And so there's multiple entrances that  18 an employee with a swipe card can enter the  19 courthouse, correct?  20 A. Yes.  21 Q. Including commissioners, correct?  22 A. Yes.  23 Q. What would -- so the north door, as you  24 indicated, would be the quickest, most direct</p>

<p style="text-align: right;">Page 163</p> <p>1 route for an employee to enter the building and</p> <p>2 get to the tax assessment office. What would be</p> <p>3 quickest door for a commissioner to enter the</p> <p>4 building and get to the commissioners' suite?</p> <p>5 A. The com -- the employee entrance at the</p> <p>6 lower parking lot.</p> <p>7 Q. So based off of where Defendant</p> <p>8 Halcavage had been parking, would there be any</p> <p>9 logical reason for him to enter the north door?</p> <p>10 A. I am aware that he did enter the north</p> <p>11 door one morning as he waited for Mr. Bender to</p> <p>12 join him, to walk with him to go to Courtroom 1, I</p> <p>13 think it was, for the swearing in of Judge Hale.</p> <p>14 Q. Okay.</p> <p>15 But for non-events or just regular</p> <p>16 county business, would there be any reason for a</p> <p>17 commissioner to enter the north door as opposed to</p> <p>18 a different door?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. So were there conversations then with --</p> <p>21 to your knowledge, either that you participated in</p> <p>22 or you observed or know about, with Defendant</p> <p>23 Halcavage, asking him or instructing him to not</p> <p>24 use the north door?</p>	<p style="text-align: right;">Page 165</p> <p>1 Did he outright agree to not use the</p> <p>2 north entrance?</p> <p>3 A. I recollect with my conversations with</p> <p>4 Mr. Bender that he was instructed to use</p> <p>5 specifically the main entrance.</p> <p>6 Q. Okay.</p> <p>7 And this is before any -- or at a time</p> <p>8 when there was no instruction by Sheriff Groody</p> <p>9 for that entrance, correct?</p> <p>10 A. Well, he was -- he was instructed to</p> <p>11 come through the employee entrance from the lower</p> <p>12 parking lot. And then they stopped wandering Mr.</p> <p>13 Halcavage and they then moved him up to the upper</p> <p>14 parking lot. And then I think he moved back down</p> <p>15 and then he moved back up. So it's -- he's been</p> <p>16 moved a couple times.</p> <p>17 Q. Okay.</p> <p>18 But when he was -- so whenever his</p> <p>19 parking spot was -- Commissioner Halcavage's</p> <p>20 parking spot was in the upper lot by the main</p> <p>21 entrance, he was instructed, if I'm understanding</p> <p>22 you correctly and correct me if I'm wrong, to</p> <p>23 enter the main entrance because that's where he</p> <p>24 was parking?</p>
<p style="text-align: right;">Page 164</p> <p>1 A. I had conversations with Mr. Bender</p> <p>2 requesting that that information be conveyed to</p> <p>3 him.</p> <p>4 Q. What was Mr. Bender's response?</p> <p>5 A. He would have the conversation with Mr.</p> <p>6 Halcavage.</p> <p>7 Q. Did he ever tell you what -- anything</p> <p>8 about those conversations?</p> <p>9 A. No.</p> <p>10 Q. Did he ever tell you if they happened?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 And did he tell you if Mr. -- Defendant</p> <p>14 Halcavage had agreed?</p> <p>15 A. Sometimes he did, sometimes he didn't.</p> <p>16 Q. Okay.</p> <p>17 A. That Mr. Halcavage did not agree.</p> <p>18 Q. So as it relates -- so let me just make</p> <p>19 sure I understand you.</p> <p>20 Did Mr. -- did Defendant Halcavage</p> <p>21 outright disagree with entering -- not using the</p> <p>22 north door?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 166</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And, again, correct me if I'm wrong,</p> <p>4 what I'm understanding from your testimony is</p> <p>5 that, while this conversation was had with</p> <p>6 Defendant Bender instructing Defendant Halcavage</p> <p>7 to do this, there were days that Defendant</p> <p>8 Halcavage complied and there were days that he</p> <p>9 didn't comply?</p> <p>10 A. I think he complied, but he complained</p> <p>11 about it. He didn't want it to be that way.</p> <p>12 Q. Okay.</p> <p>13 A. Yeah.</p> <p>14 Q. So -- but there was at least one</p> <p>15 occasion where he entered the north entrance?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Were there any conversations that you</p> <p>19 had or that you're aware of by anyone at the</p> <p>20 county with Ms. Goodman about what would make her</p> <p>21 feel safe to enter the courthouse?</p> <p>22 A. Just the suggestion that I made that</p> <p>23 they use the north entrance.</p> <p>24 Q. Did you specifically yourself talk with</p>

<p>Page 167</p> <p>1 Ms. Goodman about that?</p> <p>2 A. Ms. Toomey.</p> <p>3 Q. Okay.</p> <p>4 Was there ever a conversation that you</p> <p>5 had or anyone at the county had, to your</p> <p>6 knowledge, with the sheriff's department to maybe</p> <p>7 coordinate them escorting Ms. Goodman or Ms.</p> <p>8 Kleckner into their offices?</p> <p>9 A. There were conversations, yes.</p> <p>10 Q. Okay.</p> <p>11 A. But based upon their staffing</p> <p>12 requirements, Chief Tobin and Sheriff Groody said</p> <p>13 that it was not possible from a manpower</p> <p>14 perspective.</p> <p>15 Q. Was that -- I'm sorry.</p> <p>16 A. Sorry.</p> <p>17 Q. Go ahead.</p> <p>18 A. To have a deputy escort.</p> <p>19 Q. Was that a manpower that was a day to</p> <p>20 day -- like an everyday request or if it was like</p> <p>21 a periodic? Like, if it was a once-a-week</p> <p>22 request, could they have accommodated it?</p> <p>23 A. I don't know that -- Chief Tobin would</p> <p>24 have to answer that.</p>	<p>Page 169</p> <p>1 used it specifically during my training.</p> <p>2 Q. Okay.</p> <p>3 A. Because we offered it both in person and</p> <p>4 via virtual.</p> <p>5 Q. Okay.</p> <p>6 Was that -- were any discussions -- when</p> <p>7 you are saying your training, are you talking</p> <p>8 about the sexual harassment training --</p> <p>9 A. Yes.</p> <p>10 Q. -- in 2021?</p> <p>11 A. Sorry. Yes.</p> <p>12 Q. It's okay. No, I just want to make the</p> <p>13 record clear.</p> <p>14 So prior to that, the county did not</p> <p>15 have a Zoom contract?</p> <p>16 A. The commissioners' office had one.</p> <p>17 Q. Okay.</p> <p>18 But not any of the underlying</p> <p>19 departments?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Were there any discussions that you had</p> <p>22 or that you're aware of, regarding getting a Zoom</p> <p>23 contract so that Ms. Kleckner and Ms. Goodman</p> <p>24 could Zoom in for office needs?</p>
<p>Page 168</p> <p>1 Q. But were those conversations held about,</p> <p>2 hey, can you do it once a week?</p> <p>3 A. I don't know that they got that</p> <p>4 specific.</p> <p>5 Q. Did anyone ask Ms. Toomey or Ms. Goodman</p> <p>6 or Ms. Kleckner or Ms. Gerchak, how often they</p> <p>7 thought would be helpful for Ms. Goodman and Ms.</p> <p>8 Kleckner to come to the courthouse?</p> <p>9 A. I did not have any conversations in that</p> <p>10 regard.</p> <p>11 Q. Are you aware of any?</p> <p>12 A. No.</p> <p>13 Q. At the time that you worked at the</p> <p>14 county, were -- and I don't -- I don't remember,</p> <p>15 so I'm going to ask you to help me out.</p> <p>16 Did -- was Zoom free at that point, do</p> <p>17 you know, like were -- or was there a county</p> <p>18 contract for Zoom?</p> <p>19 A. There was not one until I started</p> <p>20 working --</p> <p>21 Q. Okay.</p> <p>22 A. -- for the courthouse.</p> <p>23 Q. Yeah, because I know --</p> <p>24 A. Or for the county, because we used -- I</p>	<p>Page 170</p> <p>1 A. No, I did not have any conversations in</p> <p>2 that regard.</p> <p>3 Q. But the commissioners' office and,</p> <p>4 therefore, Defendant Halcovage had the capability</p> <p>5 to Zoom in?</p> <p>6 A. Yes.</p> <p>7 Q. Was there ever discussions about</p> <p>8 Commissioner Halcovage Zooming in for county</p> <p>9 business?</p> <p>10 A. I had a meeting with Commissioners</p> <p>11 Hetherington and Hess specifically requesting that</p> <p>12 they have discussions with Mr. Halcovage to</p> <p>13 implore him to work from home.</p> <p>14 Q. Do you know if they ever had those</p> <p>15 conversations?</p> <p>16 A. Yes.</p> <p>17 Q. Did they ever tell you what happened</p> <p>18 during those conversations?</p> <p>19 A. He refused.</p> <p>20 Q. Did they -- either of them tell you how</p> <p>21 they felt after Defendant Halcovage's refusal?</p> <p>22 A. That he should do it, work from home</p> <p>23 that is.</p> <p>24 Q. Right.</p>

<p style="text-align: right;">Page 171</p> <p>1 MS. SMITH: We're going to look at</p> <p>2 previously marked Exhibit-232.</p> <p>3 - - -</p> <p>4 (Previously marked Exhibit-232.)</p> <p>5 - - -</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Do you recognize this e-mail?</p> <p>8 A. Yes.</p> <p>9 Q. This, you would agree, is a November 12,</p> <p>10 2020, 11:32 a.m. e-mail from you to other county</p> <p>11 officials. I'm sorry. It's from Ms. Toomey to</p> <p>12 you and other county officials, including Mr.</p> <p>13 Bender, correct?</p> <p>14 A. Yes.</p> <p>15 Q. All right.</p> <p>16 She's following up on kind of the</p> <p>17 content we talked about earlier, she's following</p> <p>18 up on Ms. Helene O'Connor's addendum to her</p> <p>19 contract, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Do you see the second sentence in the</p> <p>22 first paragraph, she says: I know that Gary Hess</p> <p>23 has not been in the building to sign it and George</p> <p>24 Halcovage abstained so he could interfere with</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. Do you know why?</p> <p>2 A. Because he's a defendant named in the</p> <p>3 case.</p> <p>4 Q. And do you agree that a defendant named</p> <p>5 in a case probably shouldn't vote on operational</p> <p>6 issues regarding a --</p> <p>7 A. No.</p> <p>8 Q. -- plaintiff in a case?</p> <p>9 A. No.</p> <p>10 Q. Are you aware that Defendant Halcovage</p> <p>11 voted on the demotion of Ms. Gerchak and Ms.</p> <p>12 Toomey?</p> <p>13 A. He did?</p> <p>14 Q. In March of --</p> <p>15 MS. PIPAK: Object to the form.</p> <p>16 Go ahead.</p> <p>17 THE WITNESS: Sorry. No, I was not</p> <p>18 aware.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Okay.</p> <p>21 So if Mr. Halcovage had voted to</p> <p>22 remove -- strike that.</p> <p>23 Are you aware that Ms. Toomey and Ms.</p> <p>24 Gerchak were removed from their dual-role position</p>
<p style="text-align: right;">Page 172</p> <p>1 office operations.</p> <p>2 Do you know what she's referring to</p> <p>3 regarding Defendant Halcovage's abstaining?</p> <p>4 A. Other than he wouldn't sign the addendum</p> <p>5 because of his involvement in the harassment case.</p> <p>6 Q. Okay.</p> <p>7 So give me a little more on, like, what</p> <p>8 you know Defendant Halcovage did or did not do</p> <p>9 related to the addendum.</p> <p>10 A. I don't think he voted on it.</p> <p>11 Q. Okay.</p> <p>12 A. Because it involved an employee who</p> <p>13 works in the tax assessment and Mr. Halcovage has</p> <p>14 taken the stance that he's abstained from, to my</p> <p>15 understanding and to my knowledge, everything</p> <p>16 that's associated with the tax assessment office.</p> <p>17 Q. I'm sorry.</p> <p>18 Say that last -- he abstained from</p> <p>19 everything regarding the tax assessment office?</p> <p>20 A. Yeah. Any time anything has been</p> <p>21 brought to the commissioner's meeting for vote, he</p> <p>22 abstains.</p> <p>23 Q. Since -- since November of 2020?</p> <p>24 A. Before that.</p>	<p style="text-align: right;">Page 174</p> <p>1 where they no longer oversaw both offices?</p> <p>2 A. I did learn that.</p> <p>3 Q. Okay.</p> <p>4 Were you involved in the delivering of</p> <p>5 that news?</p> <p>6 A. No.</p> <p>7 Q. Okay. I didn't -- so if I told you that</p> <p>8 Defendant Halcovage voted in affirmative for their</p> <p>9 demotion or their -- as the county calls it, the</p> <p>10 restructuring of the office, do you believe that</p> <p>11 would be in -- would be in line with Defendant</p> <p>12 Halcovage -- with what Defendant Halcovage has</p> <p>13 espoused to you regarding abstaining related to</p> <p>14 the tax assessment office?</p> <p>15 MS. PIPAK: Object to the form.</p> <p>16 You can answer.</p> <p>17 MR. GEIGER: Object.</p> <p>18 THE WITNESS: So -- just so I</p> <p>19 understand correctly.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Yeah.</p> <p>22 A. Do I agree with the fact that he --</p> <p>23 Q. No. Sorry.</p> <p>24 A. Okay.</p>

<p>Page 175</p> <p>1 Q. Just because I -- I started that line of</p> <p>2 questioning.</p> <p>3 A. Okay. Okay.</p> <p>4 Q. -- and I didn't finish it.</p> <p>5 So let me understand this correct, make</p> <p>6 sure I understand you correctly.</p> <p>7 You understood from Defendant Halcovage</p> <p>8 himself that he was abstaining from voting or</p> <p>9 conducting -- doing any business that related to</p> <p>10 the tax assessment office because he was a</p> <p>11 defendant and the plaintiffs worked in that</p> <p>12 office?</p> <p>13 A. Yes.</p> <p>14 Q. So based on that, do you believe that if</p> <p>15 he voted on the restructuring of those offices,</p> <p>16 which removed Ms. Toomey and Ms. Gerchak from two</p> <p>17 of their positions, one -- one position each, that</p> <p>18 that was in line with what he had espoused while</p> <p>19 you worked at the county?</p> <p>20 A. Oh, no.</p> <p>21 Q. Do you believe it would be proper for</p> <p>22 him to vote on the restructuring of the tax</p> <p>23 assessment office, which included the reduction in</p> <p>24 Ms. Toomey and Ms. Gerchak's pay?</p>	<p>Page 177</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 Any reason to disagree or not believe</p> <p>4 that Ms. Toomey had not received a response to her</p> <p>5 e-mail regarding Marcy coming into the office?</p> <p>6 A. So in one of my daily meetings with Mr.</p> <p>7 Bender, we had talked about this, specifically the</p> <p>8 STEB reports, and he very emphatically instructed</p> <p>9 me that the STEB reports were not under the guise</p> <p>10 of the HR department.</p> <p>11 Q. Okay.</p> <p>12 And so was that his way, without saying</p> <p>13 that you shouldn't be involved in it?</p> <p>14 A. Correct.</p> <p>15 Q. So you were instructed by Mr. Bender to</p> <p>16 not respond to Ms. Toomey regarding issues with</p> <p>17 the STEB report?</p> <p>18 A. Correct.</p> <p>19 Q. Why do you think he told you that?</p> <p>20 MS. PIPAK: Objection to the form.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: I think he wanted</p> <p>23 them to figure it out for themselves.</p> <p>24 BY MS. SMITH:</p>
<p>Page 176</p> <p>1 A. No.</p> <p>2 MS. PIPAK: Objection to the form.</p> <p>3 You can answer.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. In -- in this e-mail specifically that</p> <p>6 we have in front of you, 232, she, in Paragraph 3</p> <p>7 indicates to Ms. -- Ms. Toomey indicates that she</p> <p>8 has not heard anything in response to an e -- her</p> <p>9 e-mail regarding Marcy's visit to the office</p> <p>10 tomorrow so that she can complete sales</p> <p>11 submissions. The state tax equalization board</p> <p>12 would like an explanation.</p> <p>13 Let's just go a little bit about your</p> <p>14 understanding.</p> <p>15 So did you understand that Ms.</p> <p>16 Kleckner's job duties included the completion of</p> <p>17 what are called STEB reports?</p> <p>18 A. I did learn that.</p> <p>19 Q. Okay.</p> <p>20 And you understood those STEB reports</p> <p>21 went to the State Tax Equalization Board?</p> <p>22 A. I learned that as well.</p> <p>23 Q. And then there is something that the</p> <p>24 state tax board does which impacts county money?</p>	<p>Page 178</p> <p>1 Q. Well, you would agree with me that the</p> <p>2 STEB reports would be -- the timely and proper</p> <p>3 completion of the STEB reports would be for the</p> <p>4 good of the county, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And the reason that he was -- Mr.</p> <p>7 Bender, and according to your testimony, was so</p> <p>8 involved in Helene O'Connor's contracts and</p> <p>9 negotiations because he wanted the offices to</p> <p>10 operate optimally, right?</p> <p>11 A. Yes.</p> <p>12 Q. So why then didn't he want the offices</p> <p>13 to operate optimally in regards to this issue?</p> <p>14 A. I think he did. I think he -- I was</p> <p>15 under the impression he wanted Ms. Toomey and Ms.</p> <p>16 Gerchak to handle it.</p> <p>17 Q. Why wouldn't he let Ms. Toomey and Ms.</p> <p>18 Gerchak handle Ms. O'Connor's issue then?</p> <p>19 A. I can't answer that.</p> <p>20 Q. Do you think it's because this issue</p> <p>21 involved only plaintiffs and that one involved an</p> <p>22 outside person?</p> <p>23 A. Perhaps.</p> <p>24 Q. Do you think that Mr. Bender was setting</p>



<p style="text-align: right;">Page 179</p> <p>1 Ms. Toomey, Ms. Gerchak, or any of the plaintiffs</p> <p>2 up for failure?</p> <p>3 MS. PIPAK: Objection to form.</p> <p>4 MR. LEES: Objection to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: I think there was a</p> <p>7 dance.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. What do you mean by that?</p> <p>10 A. That he was testing what they would and</p> <p>11 wouldn't do.</p> <p>12 Q. When you say they, you mean the</p> <p>13 plaintiffs, right?</p> <p>14 A. Yes.</p> <p>15 Q. Did he test anybody else in that nature?</p> <p>16 A. Yes.</p> <p>17 Q. Who would you say he tested in that</p> <p>18 nature?</p> <p>19 A. Lisa Mayhall, Paul Buber. He had very</p> <p>20 specific expectations. What was his name? The</p> <p>21 gentleman that ran the maintenance department,</p> <p>22 Paul -- I don't remember his last name. He -- he</p> <p>23 pushed him pretty hard. He pushed him really</p> <p>24 hard.</p>	<p style="text-align: right;">Page 181</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. She wasn't in the 410 Building, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And she was still, I'm going to call it</p> <p>6 working from home, put I am going to put air</p> <p>7 quotes on it, because she wasn't set up to work</p> <p>8 from home, but that's the only place she could</p> <p>9 work from, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay.</p> <p>12 And those things had been done, the</p> <p>13 request of supplies I should say, were done at the</p> <p>14 request of the plaintiffs, correct?</p> <p>15 A. Yes.</p> <p>16 Q. So they had taken steps to figure it</p> <p>17 out; would you agree?</p> <p>18 A. Yes.</p> <p>19 Q. Ms. Toomey sends an e-mail to you and</p> <p>20 includes Mr. Bender and tries to figure out a day</p> <p>21 where Ms. Kleckner can come to the office, does</p> <p>22 she not?</p> <p>23 A. Yes.</p> <p>24 Q. So what, in your mind, more could Ms.</p>
<p style="text-align: right;">Page 180</p> <p>1 Q. Do you think given what the offices, Ms.</p> <p>2 Toomey's offices were going through at that</p> <p>3 point -- I'm going to refer to them as Toomey's</p> <p>4 offices, I am referring to the tax claim bureau</p> <p>5 and the tax assessment office, at least for this</p> <p>6 time period.</p> <p>7 What her offices were going -- going</p> <p>8 through at that point and pushing her hard was the</p> <p>9 appropriate response?</p> <p>10 A. No.</p> <p>11 Q. Do you think that Ms. Toomey, throughout</p> <p>12 your time there at the county, had reached out for</p> <p>13 help regarding those difficulties her offices were</p> <p>14 going through?</p> <p>15 A. To a certain extent.</p> <p>16 Q. So in your words, Mr. Bender wanted, in</p> <p>17 your mind, Ms. Toomey and Ms. Gerchak to figure it</p> <p>18 out related to the STEB reports. But if -- strike</p> <p>19 that.</p> <p>20 November 12, 2020, Ms. Ger -- Ms.</p> <p>21 Kleckner still did not have the new laptop,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. She didn't have the new printer,</p>	<p style="text-align: right;">Page 182</p> <p>1 Toomey have done to figure out the STEB report</p> <p>2 issue?</p> <p>3 MR. LEES: Objection to the form.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: Complete the forms</p> <p>6 herself.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. And if as a manager, a department head,</p> <p>9 she had done what her employee was incapable of</p> <p>10 doing because of obstacles, that would be proper</p> <p>11 managerial style, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Would you -- if Ms. Toomey could not</p> <p>14 have -- I'm sorry. If Ms. Kleckner could not have</p> <p>15 completed the STEB reports because of obstacles</p> <p>16 not created by her, and Ms. Toomey completed them,</p> <p>17 would you say that was a lack of delegation or</p> <p>18 that was proper management style?</p> <p>19 A. I think it's a combination. I don't --</p> <p>20 I don't think it's lack of delegation because they</p> <p>21 were in a situation where they were shorthanded</p> <p>22 and, you know, the staff was treading water to</p> <p>23 just -- to, you know, keep the ship moving</p> <p>24 forward, if you will.</p>

<p>Page 183</p> <p>1 Q. Do you know, was there anyone else at 2 county at this time, October 2020, other than Ms. 3 Kleckner and I think Ms. Toomey, that could -- 4 could -- and Ms. Gerchak, that could complete the 5 STEB reports? 6 A. I -- not to any knowledge. 7 Q. Okay. 8 Next paragraph of this e-mail references 9 Heather Matascavage -- I am sure I am saying that 10 wrong, I always do -- situation. Do you know what 11 Ms. Toomey is referencing there? 12 A. She bid out of the tax claim office from 13 a clerk's position to a field appraiser's position 14 and she wanted to go back to her clerk's position 15 in tax claim, but based upon the collective 16 bargaining agree, she was outside the window of 17 days in which she could return to her prior 18 position, no harm, no foul. So her only options 19 were to remain in the department, she could 20 transfer or bid through to an open position, or 21 leave the organization in its entirety. 22 Q. Okay. 23 Is -- we were speaking about fields 24 appraisers earlier and you couldn't remember</p>	<p>Page 185</p> <p>1 from the county? 2 A. Mr. Bender. 3 Q. Okay. 4 Because you did say -- you talked about 5 Mr. Bender -- with Mr. Bender about the STEB 6 reports and his response was essentially let them 7 figure it out? 8 A. Yes. 9 Q. Do you remember what his exact response 10 was? 11 A. I don't. 12 Q. Any update provided to Ms. Toomey in 13 response to this e-mail about Helene's contract? 14 A. I do remember reaching out to Mr. Buber 15 in fiscal to find out where her payment was, 16 considering that it was \$9,200. 17 Q. That she was owed because she had worked 18 outside of her contract, correct? 19 A. Yes. Yes, the contract expired I think 20 in June. 21 Q. And any -- to your knowledge, by you or 22 anyone for the county, any investigation into Ms. 23 Toomey's statement that Ms. Matascavage had 24 stressed to her -- Ms. Toomey -- that the working</p>
<p>Page 184</p> <p>1 someone's name. 2 Is that Heather then? 3 A. She was going through training. She was 4 new to the department. 5 Q. Okay. 6 A. Because her transfer was the end of 7 September. And I don't recall if it was 30 or 45 8 days that they have in which to return to their 9 prior position and she was beyond that time 10 period. 11 Q. Okay. 12 But I think my question was -- so 13 earlier when we were talking about what field 14 appraisers there were, did you consider her field 15 appraiser when you were saying there was -- there 16 was Melissa Goodman, there was Chrissy Zimmerman, 17 and there was another one where you said you 18 couldn't remember her name? 19 A. It's not Heather. 20 Q. Okay. All right. 21 Do you know you or anyone from the 22 county responded to this e-mail from Ms. Toomey? 23 A. Not to my knowledge. 24 Q. Did you discuss this e-mail with anybody</p>	<p>Page 186</p> <p>1 environment is not one that she was wishes to be a 2 part of? 3 A. Heather did come to the HR department. 4 Q. Okay. 5 Do you know, was that before or after 6 November 12th? 7 A. Before. 8 Q. Okay. 9 So you had already spoken with her? 10 A. Yes. 11 Q. Okay. 12 And did you -- what did you and Heather 13 speak about? 14 A. She had reached out to me and indicated 15 that she wanted to discuss her concerns with the 16 training and the days that she had spent with Ms. 17 Goodman out on the road. 18 Q. Okay. 19 She came on her own accord to the HR 20 office? 21 A. Yes. 22 Q. All right. 23 And what did -- what did she share with 24 you about those things?</p>

<p style="text-align: right;">Page 187</p> <p>1 A. Well, I had asked Mr. Roth to join me in</p> <p>2 the meeting with Ms. Matascavage.</p> <p>3 Q. Okay.</p> <p>4 Why did you ask Mr. Roth to join you?</p> <p>5 A. Because of what she had mentioned to me</p> <p>6 as to the nature of what she wanted to discuss.</p> <p>7 Q. What specifically?</p> <p>8 A. The erratic behavior of Ms. Goodman</p> <p>9 while out on the road for those two days.</p> <p>10 MS. PIPAK: Okay. Just so the</p> <p>11 record is clear from the county's position, we're</p> <p>12 allowing her to answer this line of questioning</p> <p>13 regards the involvement of Glenn Roth in the</p> <p>14 investigation, to the extent not protected of</p> <p>15 attorney-client communications.</p> <p>16 MS. SMITH: Okay.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. So -- so Ms. Matascavage comes into your</p> <p>19 office and says something about the erratic</p> <p>20 driving of Ms. Goodman. You -- my understanding</p> <p>21 that you stop the conversation there and then ask</p> <p>22 Glenn to join you?</p> <p>23 A. No. He -- she had asked to meet with</p> <p>24 me, we had set a time. I had asked Glenn if he</p>	<p style="text-align: right;">Page 189</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 Because having a witness present to</p> <p>4 ensure that the -- what actually happened is what</p> <p>5 is conveyed down the road would be important?</p> <p>6 A. Yes.</p> <p>7 Q. And was it because it was Ms. Goodman</p> <p>8 and she had brought litigation against the county?</p> <p>9 A. No.</p> <p>10 Q. What was -- why then did you feel the</p> <p>11 need to have a witness?</p> <p>12 A. Well, with the -- with -- with Heather</p> <p>13 raising the concerns and everything that was going</p> <p>14 on, not necessarily based upon the harassment</p> <p>15 case, but all of the performance within the tax</p> <p>16 assessment office, I thought it was important to</p> <p>17 have Mr. Roth there.</p> <p>18 Q. What do you mean the performance in the</p> <p>19 tax assessment office?</p> <p>20 A. Just the fact that there were field</p> <p>21 appraisers who were being trained and there was</p> <p>22 not -- the supporting -- not enough staff from the</p> <p>23 perspective of Ms. Toomey and Ms. Gerchak.</p> <p>24 Q. Well, did you think that they were wrong</p>
<p style="text-align: right;">Page 188</p> <p>1 could be there.</p> <p>2 Q. So how did you know what the contents of</p> <p>3 the conversation would be?</p> <p>4 A. She had said that she wanted to talk</p> <p>5 about the days of training that she spent with Ms.</p> <p>6 Goodman.</p> <p>7 Q. This is in an e-mail communication?</p> <p>8 A. No. Verbal.</p> <p>9 Q. Okay.</p> <p>10 So she tells you -- and then -- she</p> <p>11 tells you she wanted to meet with you regarding</p> <p>12 erratic driving of Ms. Goodman?</p> <p>13 A. Yes.</p> <p>14 Q. And you had set a time to meet?</p> <p>15 A. Yes.</p> <p>16 Q. And you asked Glenn to meet you at that</p> <p>17 time?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Got it.</p> <p>20 And so why did you want -- did you want</p> <p>21 Mr. Roth there specifically or just someone else?</p> <p>22 A. Just someone else.</p> <p>23 Q. Okay.</p> <p>24 Because you wanted a witness?</p>	<p style="text-align: right;">Page 190</p> <p>1 that there wasn't enough staff?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 So -- but as I understand it, you wanted</p> <p>5 someone there, it ended up being Defendant Roth,</p> <p>6 but you wanted someone there to make sure that</p> <p>7 what was discussed -- what you did and discussed</p> <p>8 was not misconstrued or manipulated, right?</p> <p>9 A. Yes.</p> <p>10 Q. Why did you think that Heather</p> <p>11 Matascavage would misconstrue or manipulate what</p> <p>12 you said?</p> <p>13 A. She had alluded to me that there was</p> <p>14 some illicit drug use.</p> <p>15 Q. When you say alluded, what exactly do</p> <p>16 you mean?</p> <p>17 A. She made the statement that everyone in</p> <p>18 the courthouse knows that Missy is a meth head.</p> <p>19 Q. Why did you think that that meant</p> <p>20 Ms. Matascavage would manipulate what you</p> <p>21 discussed with her?</p> <p>22 A. Manipulate?</p> <p>23 Q. You said the reason you wanted a witness</p> <p>24 there is because you didn't want anything to be</p>

<p>Page 191</p> <p>1 manipulated or misconstrued about what --</p> <p>2 A. Yes.</p> <p>3 Q. -- you discussed?</p> <p>4 A. Yes.</p> <p>5 Q. So why, just by her saying that there</p> <p>6 was -- Missy Goodman -- the elicited drug used by</p> <p>7 Missy Goodman, just by her saying that, why did</p> <p>8 you think then you needed to have a witness with</p> <p>9 Ms. Matascavage?</p> <p>10 A. So Ms. Goodman is representing the</p> <p>11 County of Schuylkill when she's out on the road as</p> <p>12 a field appraiser and Glenn is in charge of the</p> <p>13 risk management for the county, so I thought it</p> <p>14 was important for him to hear it from her specific</p> <p>15 to the risk management liabilities.</p> <p>16 Q. Okay.</p> <p>17 So then was it that you wanted a witness</p> <p>18 there or that you wanted Glenn Roth there</p> <p>19 specifically?</p> <p>20 A. Both.</p> <p>21 Q. Did anyone --</p> <p>22 A. It -- I -- sorry.</p> <p>23 Q. Go ahead.</p> <p>24 A. I wanted a witness there and when I</p>	<p>Page 193</p> <p>1 A. Yes.</p> <p>2 Q. Because his job is to manage risks to</p> <p>3 the county, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 Which would include litigation, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 So you and Glenn do meet with</p> <p>10 Ms. Matascavage, correct?</p> <p>11 A. Yes.</p> <p>12 Q. You guys -- is it an informal</p> <p>13 conversation, do you take notes, what happens?</p> <p>14 A. It's -- yeah. It is a discussion in the</p> <p>15 HR office behind closed doors. I would have</p> <p>16 scribed some notes. I think Glenn scribed more</p> <p>17 notes than I did.</p> <p>18 Q. These are handwritten notes?</p> <p>19 A. Yes.</p> <p>20 Q. Did you put copy of your notes anywhere,</p> <p>21 like in Ms. Matascavage's personnel file, a</p> <p>22 specific filing cabinet in the office?</p> <p>23 A. No.</p> <p>24 Q. What was done with your notes?</p>
<p>Page 192</p> <p>1 thought about it and realized that there's a</p> <p>2 liability to the county based upon the fact that</p> <p>3 she's out on the road representing, they both were</p> <p>4 out on the road representing the county, I wanted</p> <p>5 Glenn to hear it directly from her for his record</p> <p>6 keeping purposes.</p> <p>7 Q. So you said when I thought about it.</p> <p>8 Did you also have discussions with Mr. Bender</p> <p>9 about it?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 So you -- this chain of events, Ms.</p> <p>13 Matascavage coming in, Ms. Matascavage making</p> <p>14 these statements about Ms. Goodman, and then</p> <p>15 setting up this appointment with her with Roth,</p> <p>16 that all occurred without you having talked to Mr.</p> <p>17 Bender?</p> <p>18 A. Correct.</p> <p>19 Q. Okay.</p> <p>20 And the reason you thought that it</p> <p>21 should be Roth when you thought about it was</p> <p>22 because anything that could potentially expose the</p> <p>23 county to litigation, is something that the risk</p> <p>24 manager should be involved in?</p>	<p>Page 194</p> <p>1 A. I would have held them in a file folder</p> <p>2 that I use personally.</p> <p>3 Q. That you take from the county?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Or that you left at the county?</p> <p>6 A. That I would take with me.</p> <p>7 Q. Do you have a copy of those notes still?</p> <p>8 A. I may.</p> <p>9 Q. What -- why wouldn't you have retained a</p> <p>10 copy?</p> <p>11 A. I don't make it a practice to do that.</p> <p>12 Q. Did anyone at the county instruct you</p> <p>13 that there was what's called a litigation hold,</p> <p>14 meaning that anything related to the plaintiff --</p> <p>15 plaintiffs or their employment with the county was</p> <p>16 supposed to be retained and preserved?</p> <p>17 A. As it related to the case, yes.</p> <p>18 Q. Okay.</p> <p>19 Well, didn't you think --</p> <p>20 MS. PIPAK: Objection to the form</p> <p>21 to the extent that it calls for conversations with</p> <p>22 attorneys.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Were you -- you didn't think that</p>

<p style="text-align: right;">Page 195</p> <p>1 accusations that one of the plaintiffs was a drug</p> <p>2 user and had employment performance issues was</p> <p>3 related to their employment claims?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 When there was an affidavit for</p> <p>7 Ms. Matascavage that was drafted. Did that occur</p> <p>8 contemporaneous with the meeting or at some other</p> <p>9 time?</p> <p>10 A. It was a follow-up to the meeting.</p> <p>11 Q. But Glenn didn't sit there and type it</p> <p>12 or --</p> <p>13 A. No. No.</p> <p>14 Q. -- you didn't sit there and type it --</p> <p>15 A. No.</p> <p>16 Q. -- in the meeting?</p> <p>17 A. It was after.</p> <p>18 Q. Okay.</p> <p>19 And Mr. Roth did that, correct?</p> <p>20 A. I'm sorry?</p> <p>21 Q. Defendant Roth drafted the affidavit?</p> <p>22 A. Yes.</p> <p>23 Q. Correct?</p> <p>24 Okay.</p>	<p style="text-align: right;">Page 197</p> <p>1 envelope?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have her open it there or do you</p> <p>4 tell her to review this and get back to you?</p> <p>5 A. I asked her to review it.</p> <p>6 Q. And does she give you back a copy?</p> <p>7 A. A signed copy, yes.</p> <p>8 Q. Okay.</p> <p>9 Do you know, was it the same day,</p> <p>10 different day?</p> <p>11 A. I don't remember that. Might have been</p> <p>12 the same day.</p> <p>13 Q. During any of these meetings with Ms.</p> <p>14 Matascavage or communications, the first one where</p> <p>15 she alludes to the drug use, the one where Mr.</p> <p>16 Roth was present, and the -- the final one that</p> <p>17 you were just talking about where she gives you</p> <p>18 back the signed -- or, I guess, the one where you</p> <p>19 give her the affidavit or the one where she gives</p> <p>20 it back, do you recall, did you have any</p> <p>21 discussions with her about the potential for her</p> <p>22 to transfer back to the tax claim bureau?</p> <p>23 A. They had filed a grievance. She had</p> <p>24 filed a grievance through AFSCME and I worked with</p>
<p style="text-align: right;">Page 196</p> <p>1 Did look it over at all before it was</p> <p>2 provided to Ms. Matascavage?</p> <p>3 A. No.</p> <p>4 Q. So he drafted it. He gave it to Ms.</p> <p>5 Matascavage?</p> <p>6 A. I gave it to her.</p> <p>7 Q. Okay.</p> <p>8 He gives it to you, you give it to her?</p> <p>9 A. In a sealed envelope.</p> <p>10 Q. Where were you when you gave it to her?</p> <p>11 A. In the HR department.</p> <p>12 Q. In your office or just in the..?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. HR.</p> <p>16 Q. You -- same day, different day than the</p> <p>17 initial meeting?</p> <p>18 A. Different day.</p> <p>19 Q. Do you know how many days later?</p> <p>20 A. I don't remember that.</p> <p>21 Q. You asked her to come down to the</p> <p>22 office?</p> <p>23 A. Yes.</p> <p>24 Q. She comes down, you give her the</p>	<p style="text-align: right;">Page 198</p> <p>1 the business agent Brenda, I can't remember</p> <p>2 Brenda's last name, regarding it and we talked</p> <p>3 through what her options were. Brenda understood</p> <p>4 that she was outside of the window to go back into</p> <p>5 her former position and there was a position in</p> <p>6 the secretarial pool that was available, which is</p> <p>7 under the AFSCME contract. And we encouraged her</p> <p>8 to apply for that position if she needed to leave</p> <p>9 the tax assessment office. She never did apply</p> <p>10 for the secretarial pool position.</p> <p>11 Q. Whose decision -- with whom does the</p> <p>12 decision lie regarding a transfer back to a</p> <p>13 department that's outside a window?</p> <p>14 A. That's all dictated by the CBA.</p> <p>15 Q. So it's just a flat -- if you're outside</p> <p>16 that window, you can't transfer back?</p> <p>17 A. Correct.</p> <p>18 Q. Cause if I recall correctly, Ms.</p> <p>19 Matascavage, there was discussions or</p> <p>20 communications about the fact that she didn't</p> <p>21 really actually work, work in the department, she</p> <p>22 was transferred there, but she did her CPE</p> <p>23 training.</p> <p>24 A. Right.</p>



<p style="text-align: right;">Page 199</p> <p>1 Q. So she was outside of the building, and</p> <p>2 so really she couldn't get the full, immersive</p> <p>3 experience to make a decision --</p> <p>4 A. Okay.</p> <p>5 Q. -- which is what the bargaining</p> <p>6 agreement spirit was.</p> <p>7 Do you recall those conversations?</p> <p>8 A. I was aware that she was in training and</p> <p>9 they use the title as interim field appraiser.</p> <p>10 But for all intents and purposes, they're in that</p> <p>11 new role.</p> <p>12 Q. But they don't receive the pay of the</p> <p>13 role, correct?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Right.</p> <p>16 They receive a -- a --</p> <p>17 A. They receive --</p> <p>18 Q. Whatever the --</p> <p>19 A. -- training rate. Yeah, whatever that</p> <p>20 rate is until they complete the training.</p> <p>21 Q. So they get the benefit or the detriment</p> <p>22 of less pay and they get the detriment of not</p> <p>23 being -- being in the position for transfer</p> <p>24 purposes under the AFSCME?</p>	<p style="text-align: right;">Page 201</p> <p>1 to allow her to transfer back?</p> <p>2 A. That's the union.</p> <p>3 Q. Okay.</p> <p>4 So it's -- her union makes the decision,</p> <p>5 not the county?</p> <p>6 A. Well, it's -- yeah. We have to</p> <p>7 administer the contract as written. So the -- the</p> <p>8 business agent isn't going to take into</p> <p>9 consideration what amount of time is spent in</p> <p>10 training as compared to being in the actual role</p> <p>11 because they're considered being in the role of</p> <p>12 the field appraiser. However, it's managed</p> <p>13 internally within the department is how it's</p> <p>14 managed. But the CBA governs -- the transfer date</p> <p>15 is October 1st. They have until November 15th in</p> <p>16 which to move back to their prior position with no</p> <p>17 repercussions.</p> <p>18 Q. So could someone at the county have said</p> <p>19 we'll still let her transfer back?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 A. We don't have that authority.</p> <p>23 Q. Okay.</p> <p>24 So not even the commissioners or</p>
<p style="text-align: right;">Page 200</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And so, again, with whom does -- if an</p> <p>4 employee filed a grievance and said -- such as</p> <p>5 Heather and said, look, I was interim and I was in</p> <p>6 training, so I didn't really know what the job</p> <p>7 entailed because I wasn't doing the job, I was</p> <p>8 training.</p> <p>9 A. Sure.</p> <p>10 Q. And let me strike that.</p> <p>11 She wasn't even training, she was at CPE</p> <p>12 classes, right?</p> <p>13 A. I don't know which order they come in.</p> <p>14 Q. Okay.</p> <p>15 So if Ms. Matascavage had filed a</p> <p>16 grievance and said, look, I wasn't even training,</p> <p>17 I was at CPE classes off-site, at a different</p> <p>18 building just learning, not doing field work. And</p> <p>19 now that I've been in the field work position and</p> <p>20 it's under the 45 days, I think I should be</p> <p>21 considered within the window because my time in</p> <p>22 the actual role is 45 days. She had filed that</p> <p>23 grievance.</p> <p>24 With whom does the decision lie whether</p>	<p style="text-align: right;">Page 202</p> <p>1 Defendant Bender?</p> <p>2 A. No.</p> <p>3 Q. Did you ever -- do you recall if you</p> <p>4 ever told Ms. Matascavage you thought you had good</p> <p>5 news for her regarding her transfer -- regarding</p> <p>6 any of these meetings?</p> <p>7 A. Yes. As a -- as a resolution, I did. I</p> <p>8 was hopeful that she would bid through for the</p> <p>9 secretarial pool because I knew how unhappy she</p> <p>10 was.</p> <p>11 Q. Do you know, did the secretarial pool</p> <p>12 come with a pay cut for her?</p> <p>13 A. No. It was a pay increase.</p> <p>14 MS. SMITH: We're just going to go</p> <p>15 off record for a quick five minutes.</p> <p>16 VIDEOGRAPHER: The time is now</p> <p>17 12:18 p.m. and we're going off the record.</p> <p>18 - - -</p> <p>19 (Whereupon, a brief recess was held off</p> <p>20 the record.)</p> <p>21 - - -</p> <p>22 VIDEOGRAPHER: The time is now</p> <p>23 12:26 p.m. and we're back on the record.</p> <p>24 MS. SMITH: All right. And I am</p>

<p style="text-align: right;">Page 203</p> <p>1 just going to put on the record, my associate Tova  2 joined. She's just observing. She's my junior  3 associate, though.  4 BY MS. SMITH:  5 Q. All right, Ms. Kutzler, going to look at  6 Doe 1127.  7 MS. SMITH: 284 for today's  8 purposes.  9 - - -  10 (Doe 1127 marked as Exhibit-284 for  11 identification.)  12 - - -  13 BY MS. SMITH:  14 Q. Do you recognize this e-mail?  15 A. Yes.  16 Q. Okay.  17 And this is an e-mail from Angela  18 Toomey, also on November 12, 2020, to you and  19 other individuals with the county, including Mr.  20 Bender. And it includes her report about an  21 interaction or encounter that Ms. Goodman had with  22 Defendant Halcavage.  23 Would you agree?  24 A. Yes.</p>	<p style="text-align: right;">Page 205</p> <p>1 A. Yes.  2 Q. And what was, if you know, Defendant  3 Halcavage's response?  4 A. Mr. Bender informed me that he was not  5 agreeable to that.  6 Q. Did this report to you by Ms. Toomey  7 reestablish your thought that it was appropriate for  8 Ms. Goodman and Ms. Kleckner to work from home?  9 A. Yes.  10 Q. Did you contact Ms. Goodman to -- strike  11 that.  12 Does the counsel, to your knowledge,  13 have an employee assistance program or an EAP  14 program?  15 A. Yes.  16 Q. Did you contact Ms. Goodman to offer her  17 information about the EAP program?  18 A. Yes. That information was provided -- I  19 think it was provided to them back in September  20 when we were going through the contact tracing.  21 And then part of my responsibilities initially  22 with the county was to manage the COVID program.  23 So there were press releases and communications  24 that I had sent out to all employees regarding the</p>
<p style="text-align: right;">Page 204</p> <p>1 Q. Okay.  2 Did you ever respond to this e-mail?  3 A. No.  4 Q. Okay.  5 Did you ever speak with Ms. Toomey, Ms.  6 Gerchak, or Ms. Goodman about what happened?  7 A. No.  8 Q. Did you ever speak with anyone at the  9 county about this e-mail?  10 A. Mr. Bender.  11 Q. What was the contents of that  12 conversation?  13 A. That I had received information from Ms.  14 Toomey regarding this situation that had presented  15 and what could we do, if anything, to have George  16 removed from the building.  17 Q. What was Mr. Bender's response?  18 A. That we had discussed that on numerous  19 occasions and while I knew the answer to that, he  20 would yet again go to George and ask him to work  21 from home.  22 Q. Do you know, did Mr. Bender go to  23 Defendant Halcavage and ask him to work from home,  24 given this?</p>	<p style="text-align: right;">Page 206</p> <p>1 employee assistance program and the assistance  2 that they could provide.  3 Q. And that -- those communications were  4 specific to COVID, correct?  5 A. Yes.  6 Q. Okay.  7 But did you ever reach out to Ms.  8 Goodman in response to this e-mail report and say  9 the EAP can offer you mental health services?  10 A. Not this communication, that I recall.  11 Q. Did you ever reach out to Ms. Goodman in  12 regards to any communication about EAP being  13 offered -- being able to offer mental health  14 services?  15 A. Yes, I do remember.  16 Q. Okay.  17 When was that?  18 A. I'm not sure.  19 Q. Do you remember what it was in response  20 to?  21 A. Just in general.  22 Q. Do you know if it was -- well, let's  23 start with this: Was it during your first stint  24 or your second stint with the county?</p>

<p>Page 207</p> <p>1 A. First.</p> <p>2 Q. Okay.</p> <p>3 Do you know, was it in the year 2020?</p> <p>4 A. It may have been. Yeah, it -- it likely</p> <p>5 would have been in 2020, simply because Ms. Zula</p> <p>6 came on board January 11th.</p> <p>7 Q. Okay.</p> <p>8 And so you think it would have been</p> <p>9 before that?</p> <p>10 A. Yeah.</p> <p>11 Q. Okay.</p> <p>12 A. Yeah, it may have been around the time</p> <p>13 we were trying to get them into the 410 Building.</p> <p>14 Q. Do you know, was this communication</p> <p>15 about EAP's mental health services in writing or</p> <p>16 in person?</p> <p>17 A. To Ms. Goodman directly?</p> <p>18 Q. Yeah.</p> <p>19 A. It may have been in an -- it may have</p> <p>20 been in an e-mail. But we have -- there are</p> <p>21 pamphlets and business cards with the 1-800 number</p> <p>22 on it.</p> <p>23 Q. Okay.</p> <p>24 A. I don't recall ever specifically handing</p>	<p>Page 209</p> <p>1 start with this? You would agree that over time,</p> <p>2 different HR directors and employees come and</p> <p>3 go --</p> <p>4 A. Yes.</p> <p>5 Q. -- with the county?</p> <p>6 Would it be important to memorialize</p> <p>7 things like this in an individual employee's file</p> <p>8 so that the next successor in whatever position it</p> <p>9 may be, would know?</p> <p>10 A. So something of this nature or the fact</p> <p>11 that there was employee assistance program</p> <p>12 information shared?</p> <p>13 Q. Well, let's start with the -- the</p> <p>14 e-mail, the contents of the e-mail, something such</p> <p>15 as that?</p> <p>16 A. Typically you have access to the e-mail</p> <p>17 accounts, but they're typically -- it's also</p> <p>18 prospectively. So it's not -- you don't look back</p> <p>19 on what has happened. You kind of have a starting</p> <p>20 point and move forward from there.</p> <p>21 Q. Right.</p> <p>22 So if you didn't print this e-mail out</p> <p>23 and put it somewhere or memorialized it in some</p> <p>24 sort of writing or document, how would any of your</p>
<p>Page 208</p> <p>1 her that information.</p> <p>2 Q. Okay.</p> <p>3 Do you recall specifically ever giving</p> <p>4 that to Ms. Kleckner?</p> <p>5 A. No.</p> <p>6 Q. Ms. Toomey?</p> <p>7 A. No.</p> <p>8 Q. Ms. Gerchak?</p> <p>9 A. No.</p> <p>10 Q. And you never conducted any</p> <p>11 investigation questioning of Ms. Toomey or Ms.</p> <p>12 Goodman or Ms. Gerchak about this e-mail report</p> <p>13 here?</p> <p>14 A. No.</p> <p>15 Q. Was any type of formal HR report done</p> <p>16 and placed in Defendant Halcovage's personnel</p> <p>17 file?</p> <p>18 A. No. It would have just been the</p> <p>19 discussion that I had with Mr. Bender.</p> <p>20 Q. Does the county maintain a personnel</p> <p>21 file for commissioners?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 And would you agree that -- well, let's</p>	<p>Page 210</p> <p>1 successors in the HR department know what had</p> <p>2 occurred leading up to their employment?</p> <p>3 A. It may have just been in a</p> <p>4 communication, a discussion to say hey, this, is</p> <p>5 what I've been working on, that kind of knowledge</p> <p>6 of -- transfer of knowledge.</p> <p>7 Q. Right.</p> <p>8 A. To say, you know, this is -- we -- we've</p> <p>9 had issues recently with Mr. Halcovage not</p> <p>10 remaining in the commissioners' office, so there</p> <p>11 have been concerns raised a number of times. We</p> <p>12 have addressed them with the county administrator</p> <p>13 and it would have been in that regard.</p> <p>14 Q. Okay.</p> <p>15 A. More so.</p> <p>16 Q. And if -- if it didn't -- if that didn't</p> <p>17 occur, then there would be no way that the</p> <p>18 successor would know, right?</p> <p>19 A. No. Correct.</p> <p>20 Q. And so even if you did your job and</p> <p>21 transferred the knowledge appropriately. let's say</p> <p>22 to your successor, so in your case Heidi Zula, but</p> <p>23 she didn't transfer it to her successor, that</p> <p>24 would be -- mean that the information wasn't held</p>

<p>Page 211</p> <p>1 by your successor's successor, correct?</p> <p>2 A. Correct.</p> <p>3 Q. All right.</p> <p>4 MS. PIPAK: Object to the form.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. So it would be -- would you agree then</p> <p>7 that that's why there is policies, procedures, and</p> <p>8 practices within the HR realm of writing things</p> <p>9 down and creating personnel files?</p> <p>10 A. Yes.</p> <p>11 MS. SMITH: We are going to look to</p> <p>12 Doe Supplemental -- I'm sorry. We're going to</p> <p>13 look to Exhibit -- previously marked Exhibit-233.</p> <p>14 - - -</p> <p>15 (Previously marked Exhibit-233.)</p> <p>16 - - -</p> <p>17 BY MS. SMITH:</p> <p>18 Q. All right.</p> <p>19 Do you recognize this e-mail chain, the</p> <p>20 first two pages?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 So the first e-mail in the e-mail chain</p> <p>24 is an e-mail from a Renee Reynolds at PA.gov to</p>	<p>Page 213</p> <p>1 are discussed. Mr. Halcovage is being permitted</p> <p>2 to disrupt county business and interfere with</p> <p>3 operations of the assessment office. I believe it</p> <p>4 would be in everyone's best interest to come up</p> <p>5 with -- with a solution within ten days, as</p> <p>6 required by STEB, and before the county is</p> <p>7 penalized.</p> <p>8 Did you ever respond to Ms. Toomey's</p> <p>9 e-mail?</p> <p>10 A. No.</p> <p>11 Q. Did you discuss Ms. Toomey's e-mail with</p> <p>12 anyone?</p> <p>13 A. Mr. Bender.</p> <p>14 Q. And what was Mr. Bender's response?</p> <p>15 A. This is a STEB situation, not involving</p> <p>16 HR, and he would take care of it.</p> <p>17 Q. Did you feel or discuss with Mr. Bender</p> <p>18 that this also involved personnel issues because</p> <p>19 it was involving an employee's ability to access a</p> <p>20 building to do their work?</p> <p>21 A. I did not perceive it in that way.</p> <p>22 Q. Okay.</p> <p>23 Did you perceive it in a way that it was</p> <p>24 something that HR should -- should address?</p>
<p>Page 212</p> <p>1 mainly the commissioners of the county and then</p> <p>2 some other county employees.</p> <p>3 Would you agree?</p> <p>4 A. Yes.</p> <p>5 Q. And the subject is Schuylkill County</p> <p>6 delinquent STEB sales submission.</p> <p>7 In it, there's -- Ms. Reynolds addresses</p> <p>8 the commissioners and basically addresses the</p> <p>9 issue of the STEB reports being delinquent,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 Ms. Toomey herself forwarded this that</p> <p>14 same day to you, as well as other county officials</p> <p>15 including Mr. Bender, correct?</p> <p>16 A. Yes.</p> <p>17 Q. She alerts you to the noncompliance</p> <p>18 letter that the county received, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And she says: If there are no plans to</p> <p>21 take this seriously and work on a resolution so</p> <p>22 that the county can meet their obligations, I will</p> <p>23 explain that as necessary. We have made this</p> <p>24 request several times and each time our requests</p>	<p>Page 214</p> <p>1 A. In normal circumstances, yes.</p> <p>2 Q. Okay.</p> <p>3 Did you tell Mr. Bender that you thought</p> <p>4 HR should address it?</p> <p>5 A. Yes.</p> <p>6 Q. And he still said no?</p> <p>7 A. Correct.</p> <p>8 Q. Did you remind -- during this discussion</p> <p>9 about this e-mail with Mr. Bender, did you remind</p> <p>10 him that Ms. Kleckner was responsible for the STEB</p> <p>11 and she still did not have the necessary equipment</p> <p>12 to work from home?</p> <p>13 A. Yes.</p> <p>14 Q. And what was his response to that?</p> <p>15 A. I think that's when the decision was</p> <p>16 made to move them into the 410 Building. It was</p> <p>17 around that time.</p> <p>18 Q. Okay.</p> <p>19 And who made that decision?</p> <p>20 A. Mr. Bender.</p> <p>21 Q. Did -- do you know if he discussed it</p> <p>22 with anyone else, other than, I guess, telling you</p> <p>23 that it was occurring?</p> <p>24 A. As far as I know, he didn't discuss it</p>



<p style="text-align: right;">Page 215</p> <p>1 with anyone else.</p> <p>2 Q. Okay.</p> <p>3 And that would include Ms. Toomey and</p> <p>4 Ms. Kleckner?</p> <p>5 A. Correct.</p> <p>6 Q. The supervisors of the two women who</p> <p>7 were being put into the 410 Building?</p> <p>8 A. Correct.</p> <p>9 Q. Did you find that odd or question that</p> <p>10 at all?</p> <p>11 A. No.</p> <p>12 Q. Did you think asking Ms. Toomey or Ms.</p> <p>13 Gerchak if assigning Ms. Kleckner and Ms. Goodman</p> <p>14 to the 410 Building would help their operations --</p> <p>15 help the operations of their office.</p> <p>16 Did you discuss that?</p> <p>17 A. I did not.</p> <p>18 Q. So you said that you didn't see it as an</p> <p>19 HR issue being that, as I termed it, a personnel</p> <p>20 issue with access to the building.</p> <p>21 How did you see this issue?</p> <p>22 A. The noncompliance of the STEB report or</p> <p>23 the fact that George was still in the building?</p> <p>24 Q. So I guess my -- the effect of Ms.</p>	<p style="text-align: right;">Page 217</p> <p>1 the Govern system that I had mentioned before. My</p> <p>2 understanding is that depending upon the size of</p> <p>3 the screen, the Govern screen comes up much</p> <p>4 smaller. So if you're already working on a</p> <p>5 reduced screen, it's reduced even further, which</p> <p>6 makes it very difficult to read and navigate</p> <p>7 through it.</p> <p>8 Q. Are you aware of any pause or stay on</p> <p>9 STEB submissions during COVID time period?</p> <p>10 A. No.</p> <p>11 Q. So you wouldn't know then what backlog</p> <p>12 the county had because of that stay or in that</p> <p>13 time period?</p> <p>14 A. No.</p> <p>15 Q. Were you aware that Ms. Kleckner and Ms.</p> <p>16 Goodman were furloughed, meaning they were not</p> <p>17 permitted to work for a period of time?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 And did you know that was April -- April</p> <p>21 2020 to July 2020?</p> <p>22 A. I'm not familiar with the time period.</p> <p>23 Q. Okay.</p> <p>24 A. I just knew they were on furlough.</p>
<p style="text-align: right;">Page 216</p> <p>1 Kleckner not being able to enter the building</p> <p>2 having an impact STEB report compliance, how did</p> <p>3 you view that?</p> <p>4 A. While I think that there were challenges</p> <p>5 with the technology that was being used to</p> <p>6 complete the STEB reports, after learning more</p> <p>7 about them, more so in my second tour with the</p> <p>8 county, it may have taken more time, but it wasn't</p> <p>9 impossible to complete the work outside of the</p> <p>10 courthouse.</p> <p>11 Q. Do you know what, if any, county</p> <p>12 programs are utilized to complete the STEB report?</p> <p>13 A. I don't.</p> <p>14 Q. Do you know -- I am going to ask a</p> <p>15 question and I am going to assume that you don't</p> <p>16 because of given your last question, but do you</p> <p>17 know if Ms. Good -- Ms. Kleckner had access to</p> <p>18 those -- any county programs needed for STEB</p> <p>19 report completion in her home in November of 2020?</p> <p>20 A. My understanding was yes, she did.</p> <p>21 Q. Okay.</p> <p>22 Do you if those operated optimally on</p> <p>23 the laptop she had from the county?</p> <p>24 A. I understand there were challenges with</p>	<p style="text-align: right;">Page 218</p> <p>1 Q. Okay.</p> <p>2 So would you agree that being on</p> <p>3 furlough and not being permitted to work may cause</p> <p>4 someone to come back to a backlog of work?</p> <p>5 A. Sure.</p> <p>6 Q. If no one was doing their work while</p> <p>7 they were furloughed?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 Do you who Joan R. Price is?</p> <p>11 A. No.</p> <p>12 Q. So you weren't involved in any</p> <p>13 recommendation or consultation agreement with her?</p> <p>14 A. No.</p> <p>15 Q. And since you're not aware of her, is it</p> <p>16 fair to say then that you have no idea what, if</p> <p>17 any, role she played in evaluating the county's</p> <p>18 real estate tax assessment procedure?</p> <p>19 A. I have no knowledge of that.</p> <p>20 MS. SMITH: We're going to look at</p> <p>21 what's been previously marked as Exhibit-19.</p> <p>22 - - -</p> <p>23 (Previously marked Exhibit-19.)</p> <p>24 - - -</p>



<p>Page 219</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Do you recognize this e-mail chain?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 Sorry, it's a little bit -- some of it</p> <p>6 is hard to read. But it is an e-mail chain</p> <p>7 from -- starting with an e-mail from Ms. Kleckner</p> <p>8 to you and then you to Ms. Kleckner on</p> <p>9 November 23, 2020.</p> <p>10 Would you agree?</p> <p>11 A. Yes.</p> <p>12 Q. If we look at Ms. Kleckner's e-mail,</p> <p>13 which it's -- the contents are on the second page,</p> <p>14 she states: I'm reaching out to you to see where</p> <p>15 we are with getting supplies needed for me to work</p> <p>16 from home. I received paper, paperclips, and</p> <p>17 folders a few weeks back. I am still waiting on a</p> <p>18 computer and printer.</p> <p>19 Any reason to -- to disbelieve that Ms.</p> <p>20 Kleckner had only received paper, paperclips, and</p> <p>21 folders?</p> <p>22 A. No.</p> <p>23 Q. Do you know what, if any, use that would</p> <p>24 be -- use that would be to Ms. Kleckner, those</p>	<p>Page 221</p> <p>1 Ms. Kleckner herself then offers an</p> <p>2 alternative of allowing her to access her office.</p> <p>3 Do you see that?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Is that a yes?</p> <p>6 A. Yes.</p> <p>7 Q. Sorry. Just --</p> <p>8 A. Sorry. Yeah.</p> <p>9 Q. And states: There are certain</p> <p>10 circumstances that must be met in order for that</p> <p>11 to happen, which can be discussed in further</p> <p>12 detail with my attorney. Please let me know how</p> <p>13 much longer I'm going to wait so I can upload</p> <p>14 STEB.</p> <p>15 Other than the e-mail response of yours</p> <p>16 on the next page, did you communicate with Ms.</p> <p>17 Kleckner at all in regards to this e-mail chain?</p> <p>18 A. No.</p> <p>19 Q. You would agree that Ms. Kleckner's</p> <p>20 e-mail is, at least for the most part, related to</p> <p>21 her STEB report completion, right?</p> <p>22 A. It appears, yes.</p> <p>23 Q. Okay.</p> <p>24 And -- and you respond to this STEB</p>
<p>Page 220</p> <p>1 items would be to Ms. Kleckner and her job?</p> <p>2 A. Other than recording, taking it with her</p> <p>3 if she was going out for any kind of an appraisal</p> <p>4 or field work that she could record it.</p> <p>5 Q. Would you agree that paper, paperclips,</p> <p>6 and folders is pretty minimal?</p> <p>7 A. Oh, yeah.</p> <p>8 Q. Okay.</p> <p>9 And that the computer and the printer</p> <p>10 were really the items that Ms. Kleckner needed to</p> <p>11 work from home?</p> <p>12 A. Yes.</p> <p>13 MR. LEES: Objection to form.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Ms. Kleckner in her next sentence said:</p> <p>16 I did receive a copy of the letter sent out by the</p> <p>17 state regarding the sales being submitted and it</p> <p>18 is instrumental that I get all the supplies</p> <p>19 requested so I can complete the task.</p> <p>20 So meaning -- did you take that to mean</p> <p>21 the computer and printer were needed for her to</p> <p>22 complete these STEB reports?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>	<p>Page 222</p> <p>1 report e-mail, correct?</p> <p>2 MR. LEES: Objection to the form.</p> <p>3 THE WITNESS: Yes. Based upon --</p> <p>4 based upon the fact that the situation was</p> <p>5 changing.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Okay.</p> <p>8 And was that because Gary Bender had</p> <p>9 instructed you that this was -- it was permissible</p> <p>10 for you to respond to?</p> <p>11 A. Well, it was in response to the</p> <p>12 discussion we had the week before regarding the</p> <p>13 prior e-mail, as it related to the completion of</p> <p>14 the STEB reports and the fact that he had made the</p> <p>15 decision he that would like them to work out of</p> <p>16 the 410 Building.</p> <p>17 Q. So why if Mr. Bender wanted Ms. Toomey</p> <p>18 and Ms. Gerchak to figure out the STEB reports and</p> <p>19 now allow you to respond to their questions or</p> <p>20 concerns about reasonable accommodations for the</p> <p>21 plaintiffs as they requested, did he take it upon</p> <p>22 himself solely -- if you know, solely to make the</p> <p>23 decision about the 410 Building?</p> <p>24 MS. PIPAK: Object to the form.</p>

<p>Page 223</p> <p>1 You can answer.</p> <p>2 THE WITNESS: Well, in order for</p> <p>3 the STEB report to be completed and to give</p> <p>4 them -- his intention was to take their equipment</p> <p>5 from the tax assessment office and have it moved</p> <p>6 to the 410 Building, so they would have full</p> <p>7 access to whatever equipment they had used</p> <p>8 normally when in the courthouse.</p> <p>9 Q. Well, so let me -- let me ask one</p> <p>10 question about that. Why couldn't then that</p> <p>11 equipment be transferred to their homes?</p> <p>12 A. No reason not to.</p> <p>13 Q. So they could have done everything they</p> <p>14 did from the 410 Building from their homes?</p> <p>15 A. Yes.</p> <p>16 Q. And the equipment, instead of waiting</p> <p>17 for these long delayed supply to be ordered or to</p> <p>18 be delivered, that were ordered, he could have</p> <p>19 approved their computers at the county courthouse</p> <p>20 to be moved to their home offices?</p> <p>21 A. To my understanding. Yeah, to my</p> <p>22 knowledge.</p> <p>23 Q. And so my question though was, you had</p> <p>24 stated that you felt that Mr. Bender wanted -- or</p>	<p>Page 225</p> <p>1 them at least current, I think, or at least to a</p> <p>2 point where we were no -- the county was no longer</p> <p>3 in delinquency.</p> <p>4 Q. Okay.</p> <p>5 So let me make sure I understand your</p> <p>6 testimony.</p> <p>7 So Mr. Bender was aware that the county</p> <p>8 STEB reports were delinquent?</p> <p>9 A. Yes.</p> <p>10 Q. Maybe even to the point having received</p> <p>11 the -- the e-mail correspondence from Renee</p> <p>12 Reynolds that Ms. Toomey forwarded to you and Mr.</p> <p>13 Bender, indicating the same, that the STEB reports</p> <p>14 for the county were delinquent, when he approved</p> <p>15 Ms. Toomey and Ms. Gerchak, the two department</p> <p>16 heads, to go on approved, simultaneous vacations?</p> <p>17 A. Yes.</p> <p>18 Q. And instead of allowing the county to</p> <p>19 have to figure it out, Ms. Toomey and Ms. Gerchak</p> <p>20 forgone going on vacation and came in and</p> <p>21 completed delinquent -- the delinquent reports to</p> <p>22 bring the county into compliance?</p> <p>23 A. Yes, that's my understand.</p> <p>24 Q. And as a result, the county did not</p>
<p>Page 224</p> <p>1 told you he wanted Ms. Kleckner -- I'm sorry --</p> <p>2 Ms. Gerchak and Ms. Toomey to figure out STEB on</p> <p>3 their own. That's why he didn't get involved in</p> <p>4 the earlier e-mail conversations that we looked at</p> <p>5 regarding their requests for assistance in the</p> <p>6 STEB reports, correct?</p> <p>7 A. Right.</p> <p>8 Q. Why then do you -- to your knowledge or</p> <p>9 understanding, did he then step in when it came to</p> <p>10 Marcy -- Melissa -- Ms. Goodman and Ms. Kleckner</p> <p>11 being assigned to the 410 Building?</p> <p>12 A. So when -- I don't -- I don't know the</p> <p>13 exact timing or the dates, but both Ms. Gerchak</p> <p>14 and Ms. Toomey had requested two weeks of vacation</p> <p>15 in early November, leading up to the deadline for</p> <p>16 the STEB reports being filed. And that was grant</p> <p>17 by Mr. Bender and then we received the notice --</p> <p>18 he was aware that the STEB reports were delinquent</p> <p>19 and the letter was received regarding the</p> <p>20 delinquency.</p> <p>21 They didn't -- they ended up not doing</p> <p>22 the vacation, the two-weeks vacation, and came in.</p> <p>23 And my understanding is that the two of them are</p> <p>24 the ones who completed the STEB reports to bring</p>	<p>Page 226</p> <p>1 receive any monetary detriment at -- because of</p> <p>2 their actions?</p> <p>3 A. That would be the expected outcome.</p> <p>4 Q. Who did Gary Bender think was going to</p> <p>5 do the STEB reports if Ms. Kleck -- Ms. Goodman</p> <p>6 and Ms. Toomey were on vacation?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know, did --</p> <p>9 MS. PIPAK: Object to the form.</p> <p>10 Go ahead.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Do you know, does Mr. Bender hold a CPE</p> <p>13 license?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Are you aware that the STEB reports</p> <p>16 require approval to be signed off or final</p> <p>17 approval with someone with a CPE license?</p> <p>18 A. That is my understanding.</p> <p>19 Q. Do you know, was there anyone else</p> <p>20 employed by the county in November of 2020 who had</p> <p>21 a CPE license, other than Ms. Toomey, Ms. Gerchak,</p> <p>22 and I believe Ms. Kleckner?</p> <p>23 A. Not that I'm aware of.</p> <p>24 Q. Is this e-mail response by you on the</p>

<p style="text-align: right;">Page 227</p> <p>1 first page of Exhibit-19, the first time you</p> <p>2 recall communicating with Ms. Kleckner about the</p> <p>3 office space in the 410 Building?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 And in that sentence about the 410</p> <p>7 Building, you reference Melissa Goodman.</p> <p>8 Did you also communicate around the same</p> <p>9 time with Melissa Goodman about the change in</p> <p>10 plans?</p> <p>11 A. I don't think so.</p> <p>12 Q. Do you recall when you first</p> <p>13 communicated with Ms. Goodman about her being</p> <p>14 assigned to the 410 Building?</p> <p>15 A. I don't remember that.</p> <p>16 Q. But at some point you did communicate</p> <p>17 that with her?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 But is it correct that you did not --</p> <p>21 you simply communicated it with them, you did not</p> <p>22 ask either Ms. Kleckner or Ms. Goodman if they</p> <p>23 were comfortable with that?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 229</p> <p>1 The 410 Building is a county building,</p> <p>2 correct?</p> <p>3 A. It is.</p> <p>4 Q. Why is it, if you know, that Bender --</p> <p>5 Mr. Bender thought he could have Mr. Halcovage</p> <p>6 arrested if he was in the 410 Building, but not</p> <p>7 the courthouse?</p> <p>8 A. Well, I did some research with Chief</p> <p>9 Tobin and it's protection from influence, it's</p> <p>10 from -- it's intimidating a plaintiff. I don't</p> <p>11 remember the specific terminology.</p> <p>12 Q. Okay.</p> <p>13 A. But Chief Tobin and Sheriff Groody did</p> <p>14 inform me that with Ms. Kleckner and Ms. Goodman</p> <p>15 going into the 410 Building, that they could</p> <p>16 provide some level of protection so that Mr.</p> <p>17 Halcovage didn't access the building because of</p> <p>18 this intimidation clause. I'm not even sure what</p> <p>19 to --</p> <p>20 Q. Okay.</p> <p>21 A. -- call it. So when I received the</p> <p>22 information and I learned specifically what could</p> <p>23 happen if George was seen or found in or near or</p> <p>24 around the 410 Building, they could technically</p>
<p style="text-align: right;">Page 228</p> <p>1 Q. No, I'm not correct or no, you didn't?</p> <p>2 A. No, I didn't.</p> <p>3 Q. Okay. Thank you.</p> <p>4 Is there a reason why you didn't ask</p> <p>5 them if they were comfortable with that?</p> <p>6 A. It was a directive I received.</p> <p>7 Q. So you basically, correct me if I'm</p> <p>8 wrong, you were given no option, even if they had</p> <p>9 said they weren't comfortable with it?</p> <p>10 A. Correct.</p> <p>11 Q. And that was from Mr. Bender?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know, was anyone else involved in</p> <p>14 that decision?</p> <p>15 A. No, I'm not aware of anyone else being</p> <p>16 involved.</p> <p>17 Q. In the last sentence of the first</p> <p>18 paragraph of your e-mail, it states: In addition,</p> <p>19 Gary Bender has informed George that if he makes</p> <p>20 any attempt to gain access into the building, the</p> <p>21 sheriff will be called and he will be arrested.</p> <p>22 Is that something Gary Bender told you?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 230</p> <p>1 arrest him. So he was provided with a letter to</p> <p>2 that --</p> <p>3 Q. What was --</p> <p>4 A. In that regard.</p> <p>5 Q. Okay.</p> <p>6 What was the distinction or difference</p> <p>7 between Ms. Kleckner and Ms. Goodman entering the</p> <p>8 410 versus entering the courthouse?</p> <p>9 A. Well, the 410 is certainly not as large</p> <p>10 as the courthouse. There aren't as many</p> <p>11 departments in that building, the 410 Building.</p> <p>12 And it's -- while there's still public access to</p> <p>13 it, there's public access into, I think, the</p> <p>14 election bureau and senior services, but senior</p> <p>15 services is down on the lower level.</p> <p>16 I don't know that the public access,</p> <p>17 health and human services or the human services</p> <p>18 department, which is where Ms. Goodman's office</p> <p>19 was located, Ms. Kleckner's office was right</p> <p>20 outside, and then there was mental health and</p> <p>21 developmental services there and they don't have</p> <p>22 anyone from the public coming in to that office,</p> <p>23 to my knowledge.</p> <p>24 Q. But did the number of departments in the</p>

<p style="text-align: right;">Page 231</p> <p>1 building or the size of the building, to your 2 recollection or knowledge, matter when it came to 3 this witness intimidation clause that you were 4 referencing? 5 A. No. But I think that in Mr. Bender's 6 thought process, to -- to have those ladies 7 working somewhere other than the courthouse, 8 because we knew that Mr. Halcovage was going to 9 continue reporting to the courthouse, that he was 10 going to continue reporting to the commissioner's 11 office, and he would be there at least on 12 Wednesdays for the commissioners meetings. There 13 was -- Gary did mention to me, well, we're either 14 going to put them in the 410 Building or the 15 children and youth building, which is off campus, 16 away from the courthouse, away from where George 17 reports on a daily basis. 18 Q. The children and youth building is a 19 separate building from the 410 Building? 20 A. It is. 21 Q. Where is that located? 22 A. Across the street from the 410 Building. 23 Q. Isn't the police department across the 24 street?</p>	<p style="text-align: right;">Page 233</p> <p>1 Q. -- for that building? 2 Okay. 3 Did anyone ever ask Ms. Kleckner or Ms. 4 Goodman if they preferred Children and Youth or 5 the other building? 6 A. No. 7 Q. The 410 Building, I should say? 8 A. No. It was based upon availability of 9 space. 10 Q. Okay. 11 Again -- but going back to my line of 12 questioning, why if -- if Mr. Bender thought and 13 you thought, based on your research with Groody 14 and Tobin, that you could inform or that Mr. 15 Bender could inform Defendant Halcovage that he 16 would be arrested if he entered a county building 17 because the plaintiffs were to be found there, why 18 if the plaintiffs were to be found in the county 19 courthouse in their offices where they worked, 20 couldn't the same be told to Defendant Halcovage? 21 MR. LEES: Just note my objection 22 to the form. I think -- I don't think you -- I 23 think you mischaracterized what the witness said. 24 But you can answer.</p>
<p style="text-align: right;">Page 232</p> <p>1 A. It's -- yeah. It's the other corner. 2 Q. Oh, okay. 3 A. So if 410 is here, the police department 4 is here. children and youth is... 5 Q. So if you're -- if the 410 is on your 6 left and the police is on your right, if you make 7 a left at the light, it's -- 8 A. It's that -- 9 Q. -- that -- the one on the -- 10 A. -- building, on the corner. 11 Q. -- right-hand side? 12 A. On the corner. 13 Q. Okay. 14 Does that have a parking lot? 15 A. Yes. 16 Q. Do you know how many county employees 17 are in that building? 18 A. In children and youth? 19 Q. Yes. 20 A. Over a hundred. 21 Q. Okay. 22 And I'm sure there's not a hundred 23 parking spots -- 24 A. No.</p>	<p style="text-align: right;">Page 234</p> <p>1 BY MS. SMITH: 2 Q. I might -- so, I guess, let's clarify 3 then. 4 Am I missing what you said? 5 Like, Mr. -- let's start -- let's take 6 it piece by piece. 7 A. Okay. 8 Q. Mr. Bender informed in writing, 9 Defendant Halcovage that if he entered the 410 10 Building he would be arrested, correct? 11 A. I informed him in writing. 12 Q. Oh, okay. So then I got that wrong. 13 And you did so at the instruction of Mr. 14 Bender? 15 A. Yes. 16 Q. Okay. 17 And this instruction that -- of Mr. 18 Bender and your writing to Mr. -- Defendant 19 Halcovage, correct me if I'm wrong, was a kind of 20 compilation of your research and your discussions 21 with Mr. -- with Tobin and Groody and discussions 22 with Bender? 23 A. Yes. 24 Q. Okay.</p>



<p>Page 235</p> <p>1 And you kind of collectively said, this</p> <p>2 is what I found and he said okay, this is what</p> <p>3 we'll do?</p> <p>4 A. It didn't even go that far. I made the</p> <p>5 suggestion to Gary. I said, is there anyway that</p> <p>6 we can prevent George from entering that building.</p> <p>7 And he said, you would have to talk to the</p> <p>8 sheriff's department. So I had a conversation</p> <p>9 with Chief Tobin, Sheriff Groody, and they</p> <p>10 informed me of this undue influence clause that</p> <p>11 would allow them to arrest George.</p> <p>12 Q. Okay.</p> <p>13 Because the plaintiffs were in the</p> <p>14 building?</p> <p>15 A. Correct.</p> <p>16 Q. Like, working there?</p> <p>17 A. Correct.</p> <p>18 Q. So was then there any conversations that</p> <p>19 you had with anyone, Bender, Tobin, Groody, anyone</p> <p>20 at the county, where you said, if we can do that</p> <p>21 in the 410 Building, why can't we allow the</p> <p>22 plaintiffs to work from their offices in the</p> <p>23 county courthouse and tell him he can't come in</p> <p>24 for that reason, in the courthouse, him being</p>	<p>Page 237</p> <p>1 not to go to the 410 Building?</p> <p>2 A. Maybe.</p> <p>3 Q. Okay.</p> <p>4 A. I don't know that he necessarily agreed.</p> <p>5 He pushed back.</p> <p>6 Q. So even after Ms. Goodman and Ms.</p> <p>7 Kleckner were assigned to the 410 Building and he</p> <p>8 was informed he wasn't to go there, he pushed</p> <p>9 back?</p> <p>10 A. Oh, he argued with Mr. Bender that he</p> <p>11 could go anywhere that was a county building.</p> <p>12 Q. Had you ever seen Defendant Halcavage</p> <p>13 conduct any business in the 410 Building prior to</p> <p>14 that argument?</p> <p>15 A. No.</p> <p>16 Q. Did you find Mr. Halcavage's response to</p> <p>17 be -- actually, strike that.</p> <p>18 How -- what -- how did you take Mr.</p> <p>19 Halcavage's response?</p> <p>20 A. That he could do whatever he wanted</p> <p>21 whenever he wanted to whoever he wanted.</p> <p>22 Q. Do you think that employees of the</p> <p>23 county thought that that's how he acted, Defendant</p> <p>24 Halcavage, that he could do whatever he wanted to</p>
<p>Page 236</p> <p>1 Defendant Halcavage?</p> <p>2 A. I don't have an answer for that.</p> <p>3 Q. Did you have those conversations?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 Is there any distinction with a</p> <p>7 difference between the 410 Building and the</p> <p>8 courthouse, as it relates to what you researched</p> <p>9 and discussed with Tobin and Groody regarding that</p> <p>10 witness intimidation clause?</p> <p>11 MS. PIPAK: I am going to object to</p> <p>12 the form.</p> <p>13 But you can answer.</p> <p>14 THE WITNESS: I -- for the most</p> <p>15 part, Mr. Halcavage doesn't have any reason to be</p> <p>16 in the 410 Building, unless he wants to go and</p> <p>17 chitchat with somebody, which he was known to do.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. So it was somewhat of a -- I don't want</p> <p>20 to -- I don't want to say cop out, but it was</p> <p>21 somewhat of a convenience thing for the county to</p> <p>22 be like, if -- we know we'll get pushback from</p> <p>23 George if we try and exclude him from the</p> <p>24 courthouse, but we probably can get him to agree</p>	<p>Page 238</p> <p>1 whomever he wanted whenever he wanted?</p> <p>2 A. Yes. Yes.</p> <p>3 VIDEOGRAPHER: Catherine, it's</p> <p>4 about 1:00. Do you want to take lunch?</p> <p>5 MS. SMITH: Yeah. Let me just</p> <p>6 finish up this exhibit and then we'll be probably</p> <p>7 here until maybe five more minutes.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. If you look at the sentence prior to the</p> <p>10 one we were just looking at, it says: Please note</p> <p>11 that this is a secure building in which Mr.</p> <p>12 Halcavage does not having access into.</p> <p>13 That was actually inaccurate, correct?</p> <p>14 A. It's inaccurate in the fact that it's a</p> <p>15 public building, but his badge didn't work at the</p> <p>16 410 Building. So any of the secure doors he</p> <p>17 wouldn't be able to enter through.</p> <p>18 Q. But as you stated earlier, the election</p> <p>19 bureau is in that, so the front door to that</p> <p>20 building on Second Street, I believe it is, is --</p> <p>21 does not require keycard access, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And Ms. Kleckner's office was directly</p> <p>24 accessible in that hallway, correct?</p>



<p style="text-align: right;">Page 239</p> <p>1 A. Yes.</p> <p>2 Q. So if her door was open, Mr. Halcavage</p> <p>3 could have entered that building and walked right</p> <p>4 into her office?</p> <p>5 A. Yes.</p> <p>6 Q. Ms. Goodman's was behind -- within</p> <p>7 another department, behind another keycard door,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. And that required keycard access?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know, was Mr. -- Defendant</p> <p>13 Halcavage's keycard specifically disabled for that</p> <p>14 keycard --</p> <p>15 A. Yes.</p> <p>16 Q. -- pass?</p> <p>17 Okay.</p> <p>18 A. And the reason I know that is because</p> <p>19 Ann Kraft in the HR department manages the badge</p> <p>20 access.</p> <p>21 Q. Okay.</p> <p>22 Do you who made the decision to put</p> <p>23 Marcy -- Ms. Kleckner in one of those and Ms.</p> <p>24 Goodman in the another?</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. Any reason why that one wasn't selected?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay.</p> <p>4 I mean, to me what makes sense, and</p> <p>5 correct me if I am wrong, is putting both of them</p> <p>6 behind a keycard door would have been more secure</p> <p>7 for them?</p> <p>8 A. Yes.</p> <p>9 Q. And even if you didn't --</p> <p>10 MS. PIPAK: Object -- I was going</p> <p>11 to object to the form there. I just want it noted</p> <p>12 for the record.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. I mean, even if you didn't have room to</p> <p>15 put them both back there, to me, and correct me if</p> <p>16 I am wrong or you disagree, putting Ms. Goodman in</p> <p>17 the hallway one would have made more sense because</p> <p>18 she was predominantly out in the field and not in</p> <p>19 a building, where Ms. Kleckner mostly worked from</p> <p>20 the building?</p> <p>21 A. Yes.</p> <p>22 Q. And the 410 Building, unlike -- sorry --</p> <p>23 the county courthouse, unlike the 410 Building,</p> <p>24 has sheriff presence and metal detectors?</p>
<p style="text-align: right;">Page 240</p> <p>1 A. I -- no.</p> <p>2 Q. Okay.</p> <p>3 But they were told which was whose,</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. They didn't get to select?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. Yeah, I'm not sure why that was.</p> <p>10 Q. Were there more than -- was there more</p> <p>11 than one open office in -- in that department</p> <p>12 where Ms. Goodman's office was located?</p> <p>13 A. I know there was a -- there was a door</p> <p>14 across from Ms. Goodman's office. I don't</p> <p>15 remember what was in there.</p> <p>16 Q. And -- but do you know if it was empty?</p> <p>17 Could Ms. Good -- or Kleckner been assigned to</p> <p>18 that office?</p> <p>19 A. I don't think it was occupied.</p> <p>20 Q. So Ms. Kleckner could have been assigned</p> <p>21 there?</p> <p>22 A. Yes.</p> <p>23 Q. Behind a keycard pad door?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 242</p> <p>1 A. Yes.</p> <p>2 Q. There was no sheriff and no metal</p> <p>3 detectors in the 410 Building?</p> <p>4 A. Correct.</p> <p>5 Q. Sorry. Going back to the first sentence</p> <p>6 in this e-mail --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- response of yours. It says there's a</p> <p>9 change in plans so we can provide you with the</p> <p>10 necessary support and technology for you in</p> <p>11 completing the tasks for the STEB filing.</p> <p>12 That was your understanding of why the</p> <p>13 decision was made to switch from this work from</p> <p>14 home potential to the 410 Building, correct?</p> <p>15 A. Yes.</p> <p>16 Q. STEB report was not Ms. Goodman's job</p> <p>17 responsibility, was it?</p> <p>18 A. No.</p> <p>19 Q. Why then was her work from home</p> <p>20 agreement revoked at the same time?</p> <p>21 A. I don't know the answer to that.</p> <p>22 Q. In the second paragraph of your e-mail</p> <p>23 it talks about the anticipated, or what was at</p> <p>24 that point, anticipated date of -- for occupancy</p>

<p>Page 243</p> <p>1 for Ms. Kleckner and Ms. Goodman of November 30, 2 2020, correct? 3 A. Yes. 4 Q. That didn't actually happen, did it? 5 A. No. 6 Q. Do you recall what delayed it? 7 A. Yeah. I had reached out to SERVPRO to 8 have the offices cleaned by one of their 9 technicians and they're -- the first day the 10 technician didn't show up and then I worked with 11 the regional manager to have a second technician 12 dispatched. Again, that person did not show up. 13 They were having employment issues, recruiting 14 issues because of COVID. And they eventually 15 never did fulfill the contract in coming to clean 16 those offices. 17 Q. SERVPRO never cleaned the offices? 18 A. No. 19 Q. Okay. 20 So it's fair to say then that the 21 initial -- first initial delays of Ms. Kleckner 22 and Ms. Goodman going to their offices was not 23 anything caused by them? 24 A. No.</p>	<p>Page 245</p> <p>1 Why did you decide to utilize a company 2 outside of the contractors the county uses? 3 A. Based upon their COVID protocols. 4 Q. SERVPRO's COVID protocols? 5 A. Yes. 6 Q. Okay. 7 So you felt that the cleaning companies 8 with whom the county contracted weren't sufficient 9 during COVID time? 10 A. Not that they weren't sufficient, but 11 they -- there were more things that SERVPRO would 12 do in regards to responding to the cleaning of an 13 office. 14 Q. Okay. 15 And when SERVPRO didn't show up, what 16 happened with the cleaning of the offices? 17 A. I cleaned them and the maintenance 18 department cleaned them. 19 Q. Do you recall when that was? 20 A. Sometime in September. And they worked 21 with Stan Nester to have equipment removed from 22 the office that Ms. Goodman occupied. They were 23 using it as a storage room. 24 Q. The -- the removal of the office</p>
<p>Page 244</p> <p>1 Q. Okay. 2 Was it your decision to have someone 3 come out and clean the offices or were your 4 instructed to do so? 5 A. It was my decision simply because of the 6 condition that the offices were in. 7 Q. You personally observed the offices 8 prior to Ms. Goodman and Ms. Kleckner observing 9 them? 10 A. I did. 11 Q. And they were in pretty bad condition, 12 were they not? 13 A. Yes. 14 Q. Okay. 15 And so you decided to have -- to obtain 16 a cleaning company to come clean them? 17 A. Yes. 18 Q. The county has cleaning contracts with 19 different entities, right? 20 A. Yes. 21 Q. Why did you -- was SERVPRO one of the 22 contractors? 23 A. No. 24 Q. Okay.</p>	<p>Page 246</p> <p>1 equipment didn't happen though before Ms. Goodman 2 took -- 3 A. No. 4 Q. -- possession, right? 5 A. No. It was kind of right at the same 6 time that Stan finally got -- I kicked him in 7 the... 8 Q. But you would say that the cleaning that 9 you did of the offices occurred before Ms. Goodman 10 and Ms. Kleckner -- 11 A. Yes. 12 Q. -- took possession of the keys? 13 A. Yes. 14 Q. Okay. 15 And that was with you, Stan Nester, did 16 the cleaning? 17 A. No. 18 Q. Who else did cleaning with you? 19 A. The maintenance department. 20 Q. Do you remember who? 21 A. I don't. 22 Q. Okay. 23 Was it more than one person? 24 A. It was two, two -- two --</p>

<p>Page 247</p> <p>1 Q. Males?</p> <p>2 A. -- maintenance guys? Yeah. You know</p> <p>3 how well men clean.</p> <p>4 Q. I plead the fifth or my fiance won't be</p> <p>5 happy.</p> <p>6 MS. SMITH: All right. I think we</p> <p>7 can get to the next stuff after lunch, so we'll</p> <p>8 take a quick break, a longer break.</p> <p>9 VIDEOGRAPHER: The time is now</p> <p>10 1:09 p.m. and we're going off the record.</p> <p>11 - - -</p> <p>12 (Whereupon, luncheon recess held off the</p> <p>13 record.)</p> <p>14 - - -</p> <p>15 VIDEOGRAPHER: The time is now</p> <p>16 1:42 p.m. and we're back on the record.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. All right. Ms. Kutzler, so before lunch</p> <p>19 we were just talking about the kind of change in</p> <p>20 plans from work from home to the 410 Building for</p> <p>21 Ms. Goodman and Ms. Kleckner.</p> <p>22 In your training and experience, and I</p> <p>23 guess more specifically as it relates to the</p> <p>24 county, as you aware of any policies, procedures,</p>	<p>Page 249</p> <p>1 reference Ms. Goodman in an e-mail to Ms.</p> <p>2 Kleckner?</p> <p>3 A. Just so that Ms. Kleckner would be aware</p> <p>4 that Ms. Goodman will be in the 410 Building as</p> <p>5 well.</p> <p>6 Q. Did you ask Ms. Goodman if she was okay</p> <p>7 with Ms. Kleckner knowing that?</p> <p>8 A. No. No.</p> <p>9 Q. Okay.</p> <p>10 And, in fact, when it related to the 410</p> <p>11 Building and their assignment there, was it your</p> <p>12 understanding that it was supposed to be kept as</p> <p>13 confidential as possible so that they felt safe</p> <p>14 and secure there?</p> <p>15 A. There was never a question about</p> <p>16 confidentiality.</p> <p>17 Q. As it relates to the 410 Building, there</p> <p>18 is a parking lot for that building, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 And as it relates to the courthouse,</p> <p>22 there's multiple parking lots for that building,</p> <p>23 correct?</p> <p>24 A. Yes.</p>
<p>Page 248</p> <p>1 or practices regarding communication of employee</p> <p>2 personnel issues and the confidentiality thereof?</p> <p>3 A. There is a personnel policy that speaks</p> <p>4 to the need or the ability to report concerns to</p> <p>5 HR.</p> <p>6 Q. Okay.</p> <p>7 If you, as HR director, were</p> <p>8 communicating employee-related personnel matters</p> <p>9 regarding a specific employee, is it your</p> <p>10 understanding that the county's policies of</p> <p>11 that -- unless it's with like their direct</p> <p>12 supervisors or someone up the chain of command in</p> <p>13 their supervisory authority, that you shouldn't</p> <p>14 discuss one employee's personnel issues with</p> <p>15 another?</p> <p>16 A. Correct.</p> <p>17 Q. Okay.</p> <p>18 So if we look back to 19, which is in</p> <p>19 front of you, Exhibit-19, you're e-mailing Ms.</p> <p>20 Kleckner and Ms. Toomey, her supervisor in this</p> <p>21 e-mail, but you mention Melissa Goodman as well.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Why did you feel it was appropriate to</p>	<p>Page 250</p> <p>1 Q. And my understanding is that in this</p> <p>2 time frame, the end of 2020, there was plenty of</p> <p>3 parking spaces at the courthouse that Ms. Kleckner</p> <p>4 and Ms. Goodman were able to utilize a parking</p> <p>5 space for that -- when they were still going to</p> <p>6 the courthouse, correct?</p> <p>7 A. That's my understanding, yes.</p> <p>8 Q. Okay.</p> <p>9 They weren't assigned parking spaces,</p> <p>10 though?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. Okay.</p> <p>13 But there was sufficient parking --</p> <p>14 actually, I should strike that.</p> <p>15 There was two parking lots for the</p> <p>16 courthouse, plus the overflow lot?</p> <p>17 A. Yes.</p> <p>18 Q. And none of those were paid parking?</p> <p>19 A. Correct.</p> <p>20 Q. And so it was -- there would be</p> <p>21 sufficient space for Ms. Kleckner or Ms. Goodman</p> <p>22 to park at the courthouse without having to pay</p> <p>23 for it?</p> <p>24 A. Yes.</p>

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<p>1 Q. Okay.</p> <p>2 The 410 Building was not the same</p> <p>3 circumstances; is that correct?</p> <p>4 A. Much smaller parking lot?</p> <p>5 Q. And much smaller in comparison to the</p> <p>6 number of employees assigned to the building; is</p> <p>7 that correct?</p> <p>8 A. Yes.</p> <p>9 Q. There was no overflow lot for that</p> <p>10 building, correct?</p> <p>11 A. The only overflow that I was aware of</p> <p>12 was the parking garage, but I don't know if that</p> <p>13 was free.</p> <p>14 Q. Okay.</p> <p>15 Then the only other option for those</p> <p>16 employees would be then -- 410 Building employees</p> <p>17 would be to park on the street, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And that was metered, paid parking,</p> <p>20 correct?</p> <p>21 A. To -- to -- yeah. To my knowledge all</p> <p>22 of that is metered.</p> <p>23 Q. Okay.</p> <p>24 And the meter -- metered lots would not</p>	<p>1 about and the main lot, the non-commissioners lot</p> <p>2 or the upper lot for the courthouse, those are</p> <p>3 just across a street from each other, right?</p> <p>4 A. The overflow -- yeah. The overflow is</p> <p>5 next to the prison and then the main employee</p> <p>6 parking lot is adjacent to the main entrance.</p> <p>7 Q. Right.</p> <p>8 And they are just across one street?</p> <p>9 A. Yes.</p> <p>10 Q. One on either side of the street?</p> <p>11 A. Yes.</p> <p>12 Q. And both of those then are about a half</p> <p>13 a block -- or I'm sorry -- about two blocks from</p> <p>14 the 410 Building entrance?</p> <p>15 A. From where they're situated, it's</p> <p>16 probably closer to 3 blocks.</p> <p>17 Q. Okay.</p> <p>18 So whatever a block distance is in</p> <p>19 Schuylkill County, would be the physical distance</p> <p>20 of those two?</p> <p>21 A. Yes.</p> <p>22 Q. So not exactly, would you agree, an</p> <p>23 ideal location for someone to park who works in</p> <p>24 the 410 Building?</p>
Page 252	Page 254
<p>1 be something that the county would reimburse an</p> <p>2 employee for, correct?</p> <p>3 A. No.</p> <p>4 Q. Did you have any discussions regarding</p> <p>5 parking for Ms. Goodman or Ms. Kleckner when the</p> <p>6 410 Building came into play?</p> <p>7 A. No.</p> <p>8 Q. Did anybody -- so you just didn't have</p> <p>9 any conversations regarding it?</p> <p>10 A. Correct.</p> <p>11 Q. Okay.</p> <p>12 The -- and just so the record is kind of</p> <p>13 clear, as much as we can, as to how the kind of</p> <p>14 geographical layout is. The courthouse sits</p> <p>15 higher up, up a hill than the 410 Building,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Probably, in my estimate, I think like</p> <p>19 half a mile walk from the courthouse parking lot?</p> <p>20 A. Two blocks.</p> <p>21 Q. Two blocks.</p> <p>22 So maybe even more than half a mile, if</p> <p>23 you were to park in -- strike that.</p> <p>24 The overflow lot that we were talking</p>	<p>1 A. To expect someone to park up at the</p> <p>2 courthouse and walk down to the 410 Building?</p> <p>3 Yeah, it's not reasonable.</p> <p>4 Q. Okay.</p> <p>5 So it's not like Ms. Kleckner and Ms.</p> <p>6 Goodman should have been -- in your opinion,</p> <p>7 should have been expected to park there in the</p> <p>8 courthouse parking lot and walk to the --</p> <p>9 A. Not on a daily basis.</p> <p>10 Q. Okay.</p> <p>11 Did you or do you now believe that</p> <p>12 relocating the individuals, Ms. Kleckner and Ms.</p> <p>13 Goodman, who had reported and opposed Defendant --</p> <p>14 Defendant Halcovage's unlawful conduct to the 410</p> <p>15 Building, was retaliatory?</p> <p>16 A. No.</p> <p>17 MS. PIPAK: Objection to the form.</p> <p>18 You can answer.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Do you think it was fair that the</p> <p>21 victims, even by the county's own opinion -- well,</p> <p>22 strike that.</p> <p>23 Do you think the county's opinion was</p> <p>24 that they were victims, Ms. Kleckner and Ms.</p>

<p>Page 255</p> <p>1 Goodman?</p> <p>2 A. Yes.</p> <p>3 Q. And so even -- do you think it was fair</p> <p>4 that the victims had to relocate their workspace,</p> <p>5 as opposed to the perpetrator?</p> <p>6 MR. LEES: Just note my objection</p> <p>7 to the form.</p> <p>8 MS. PIPAK: Objection to form.</p> <p>9 MR. LEES: You can answer.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Did each person in the tax assessment</p> <p>13 office have their own printer?</p> <p>14 A. I don't know the answer to that.</p> <p>15 Q. Okay.</p> <p>16 So when you were talking about</p> <p>17 relocating some of the equipment, computer and</p> <p>18 whatnot, from the tax assessment office to the 410</p> <p>19 Building, was there discussion about a printer</p> <p>20 also being relocated?</p> <p>21 A. I think there was a printer that was</p> <p>22 being moved from tax assessment to 410. They both</p> <p>23 ended up with their own printer because of their</p> <p>24 offices being in -- in different proximity.</p>	<p>Page 257</p> <p>1 A. Yeah.</p> <p>2 Q. Okay.</p> <p>3 A. I'm the one that had mentioned that.</p> <p>4 Q. Okay.</p> <p>5 A. So that was my mistake in indicating</p> <p>6 that Mr. Bender would be providing them with their</p> <p>7 keys --</p> <p>8 Q. Well, did --</p> <p>9 A. -- to me.</p> <p>10 Q. Did Mr. Bender tell you he was going to</p> <p>11 give them their keys?</p> <p>12 A. No.</p> <p>13 Q. Okay.</p> <p>14 You just thought that he was going to be</p> <p>15 the one?</p> <p>16 A. Yes.</p> <p>17 Q. All right.</p> <p>18 A. Because of him having oversight to the</p> <p>19 maintenance department and the maintenance</p> <p>20 department is who had the keys cut. So I was</p> <p>21 under the impression that they would give the keys</p> <p>22 to him, he would then, in turn, turn them over to</p> <p>23 Ms. Kleckner and Goodman.</p> <p>24 Q. Okay.</p>
<p>Page 256</p> <p>1 Q. Okay.</p> <p>2 So there's -- fair to say then that</p> <p>3 there was printers available for Ms. Goodman and</p> <p>4 Ms. Kleckner's individual use?</p> <p>5 A. Yes, because I think Stan had ended up</p> <p>6 ordering printers for them with the expectation</p> <p>7 that they would be set up at their homes and then</p> <p>8 sent up at the 410 Building.</p> <p>9 Q. Okay.</p> <p>10 So originally we had discussed that the</p> <p>11 date was supposed to be November 30th, but then</p> <p>12 there was the SERVPRO issues.</p> <p>13 And do you recall when the -- strike</p> <p>14 that.</p> <p>15 There was a day eventually that you met</p> <p>16 with Ms. Kleckner and Ms. Goodman in person to</p> <p>17 give them the keys to the offices, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall when that was?</p> <p>20 A. I do not.</p> <p>21 Q. Okay.</p> <p>22 Do you recall there being an issue</p> <p>23 regarding Mr. Bender being the one that was</p> <p>24 originally going to give them their keys?</p>	<p>Page 258</p> <p>1 And do you recall then Ms. Toomey</p> <p>2 telling you that they were uncomfortable with</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. All right.</p> <p>6 And that was then addressed and changed</p> <p>7 and you met Ms. Goodman, Kleckner, Ms. Toomey, and</p> <p>8 Ms. Gerchak at the 410 Building --</p> <p>9 A. Yes.</p> <p>10 Q. -- on a specific day?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 Does September 8th sound about right?</p> <p>14 A. Probably.</p> <p>15 Q. Okay.</p> <p>16 Do you recall if around that time,</p> <p>17 either just shortly there before or at that</p> <p>18 meeting where you gave them their keys, did any of</p> <p>19 the four plaintiffs raise issues or concerns</p> <p>20 related to parking at the 410 Building with you?</p> <p>21 A. They asked if there would be assigned</p> <p>22 parking spaces. And Mr. Bender manages all of the</p> <p>23 spaces for the buildings in the county, so I told</p> <p>24 them that I would check with him.</p>



<p>Page 259</p> <p>1 Q. So it's your understanding that Mr. 2 Bender manages the spaces of the 410 Building, as 3 well as the courthouse? 4 A. 410 Building, courthouse, the 911 5 center. I don't think he -- I don't think he gets 6 involved in the prison parking because that's -- 7 they kind of do their own thing. 8 Q. Okay. 9 Did you have that conversation with Mr. 10 Bender about -- 11 A. About parking? 12 Q. Seeing if there was parking? 13 A. No. 14 Q. Why not? I thought you just said that 15 you told -- the plaintiffs raised concerns and you 16 said you would speak with Mr. Bender? 17 A. Oh, yeah. Well, with having spaces 18 assigned and he indicated that there weren't any 19 spaces to assign because the lot was full. 20 Q. Okay. 21 Was there -- were there any further 22 conversations then? 23 A. No. 24 Q. Were there any then conversations to say</p>	<p>Page 261</p> <p>1 begin working from the office in the 410 Building 2 tomorrow morning as the county directed. 3 So does that refresh your rec -- refresh 4 your recollection as to kind of when that -- the 5 cleaning issues were resolved and it was ready for 6 occupancy? 7 A. Yes. 8 Q. Okay. 9 Ms. Toomey requests on behalf of her and 10 Ms. Kleckner and Ms. Goodman that Joseph Groody or 11 Brian Tobin be present to address any concerns 12 that Marcy and Melissa may have regarding their 13 safety while working from that space. Were 14 Sheriff Joseph -- were Sheriff Groody or Brian 15 Tobin present when you exchanged the keys? 16 A. Sheriff Tobin or Chief Tobin. 17 Q. Do you recall any of the individuals 18 present, so the plaintiffs, having raised any 19 questions or concerns to Chief Tobin? 20 A. No, not that I recall. 21 Q. But that is -- eventually when the 22 meeting did happen, that's when their question 23 about parking was raised, as is indicated in this 24 e-mail?</p>
<p>Page 260</p> <p>1 maybe the 410 Building isn't an ideal location for 2 these individuals? 3 A. No. 4 Q. Were there concerns about the plaintiffs 5 having to walk further for their work -- so 6 specifically Ms. Goodman and Ms. Kleckner having 7 to walk farther for their work locations and 8 exposing them to potentially running into 9 Defendant Halcovage? 10 A. No. 11 MS. SMITH: All right. We're going 12 to look at Doe 1137. It will be 285. It's 1137 13 through 1140. 14 --- 15 (Doe 1137 marked as Exhibit-285 for 16 identification.) 17 --- 18 BY MS. SMITH: 19 Q. So we're going to look on the last page, 20 start chronologically from the last page. 21 It's dated September 7, 2020, and it's 22 an e-mail from Ms. Toomey to you, as well as other 23 individuals, including Mr. Bender, regarding the 24 410. And it indicates that Marcy and Missy will</p>	<p>Page 262</p> <p>1 A. Yes. 2 Q. If we turn two pages prior to that, 3 there's an e-mail on -- from me to Thomas Heinbach 4 on December 7th. 5 A. Uh-huh. 6 Q. Do you know who Mr. Heinbach is? 7 A. He's counsel for the county. 8 Q. Okay. 9 And in response to my e-mail, Thomas 10 Heinbach responds, Ms. Kutzler has been in contact 11 with Angela Toomey and advises that -- to advise 12 that Ms. Kutzler will be there tomorrow morning 13 rather than Mr. Bender. 14 I believe she copied you on the e-mail? 15 A. Yes. 16 Q. Did you understand from Mr. Heinbach 17 that I had reached out to him regarding the issue 18 concerning Ms. Toomey, Ms. Kleckner, Ms. Goodman 19 meeting with Mr. Bender? 20 A. Yes. 21 MS. PIPAK: Objection. Again, 22 that's attorney-client privilege. 23 MS. SMITH: Your -- counsel for the 24 county produced -- sent this e-mail to me, it's</p>

<p>1 not privileged.</p> <p>2 MS. PIPAK: Right. No, but you're</p> <p>3 asking about Doreen's conversations with Tom</p> <p>4 Heinbach. That's privileged. You can't ask her</p> <p>5 those conversations.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Anyway, Ms. Kutzler, so --</p> <p>8 MS. PIPAK: You can ask her about</p> <p>9 your e-mail --</p> <p>10 BY MS. SMITH</p> <p>11 Q. Did you --</p> <p>12 MS. PIPAK: -- but not the</p> <p>13 conversation she had with Tom Heinbach.</p> <p>14 MS. SMITH: Okay.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Anyway, Ms. Kutzler, did you understand</p> <p>17 that I had reached out -- were you informed that I</p> <p>18 had reached out to Mr. Heinbach?</p> <p>19 A. Yes.</p> <p>20 MS. PIPAK: Objection to the extent</p> <p>21 it calls for conversations with counsel.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. And did you understand that there had</p> <p>24 been an agreement by myself and Mr. Scott related</p>	<p>Page 263</p> <p>1 MS. PIPAK: And I'm going to object</p> <p>2 to that and direct the witness not to answer to</p> <p>3 the extent it involves -- the answer would involve</p> <p>4 communications with counsel.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Did you speak with Mr. Bender, Ms.</p> <p>7 Kutzler, about whether the plaintiffs were</p> <p>8 supposed to interact with him, other than through</p> <p>9 e-mail?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 And did Mr. Bender tell you that there</p> <p>13 was an agreement that the plaintiffs only were to</p> <p>14 communicate with him through e-mail?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 And it was because of that you then</p> <p>18 understood why the plaintiffs didn't meet -- want</p> <p>19 to meet with Mr. Bender for the keys?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 And that's why you changed the -- or the</p> <p>23 decision and you met with them?</p> <p>24 A. Yes.</p>
<p>1 to the plaintiffs that they didn't have to</p> <p>2 communicate with Mr. Bender directly?</p> <p>3 MS. PIPAK: Objection. You can</p> <p>4 answer to the extent -- Doreen, I'm going to ask</p> <p>5 you to wait for me to form my objections before</p> <p>6 you answer these questions.</p> <p>7 MS. SMITH: She didn't say</p> <p>8 anything.</p> <p>9 MS. PIPAK: She -- I'm not yelling</p> <p>10 at her, I am just asking her to --</p> <p>11 MS. SMITH: Okay. Well, you can --</p> <p>12 I am going to -- for her sake, I'm going to ask</p> <p>13 you to take your tone down because she didn't say</p> <p>14 anything.</p> <p>15 MS. PIPAK: Honestly, I am just</p> <p>16 trying to be heard because you said you couldn't</p> <p>17 hear me before, I am just trying to talk loud.</p> <p>18 Really, that's all I'm trying to do here.</p> <p>19 Could you ask that question again?</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Were you ever informed that there was an</p> <p>22 agreement that was entered into that my clients</p> <p>23 did not have to have direct access --</p> <p>24 communication with Mr. Bender?</p>	<p>Page 264</p> <p>1 Q. Okay.</p> <p>2 And if you look at the first page,</p> <p>3 it's -- it's my e-mail to counsel stating: Given</p> <p>4 this late hour, I already informed my clients that</p> <p>5 they should wait to report to the 410 Building.</p> <p>6 Does this refresh your recollection as</p> <p>7 to whether then it was the next day, given the</p> <p>8 kind of issues with who was going to meet with</p> <p>9 them, that they actually met you?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 So it was December 8, 2012, that you met</p> <p>13 with them?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Perfect. Thank you.</p> <p>16 So at the time you made the decision to</p> <p>17 have Mr. Bender meet with the plaintiffs, did you</p> <p>18 know he was a named respondent in the EEOC charge?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 But you didn't think that was a concern</p> <p>22 to have a named respondent meet with the alleged</p> <p>23 victims?</p> <p>24 A. It was just an oversight on my part.</p>

<p>Page 267</p> <p>1 Q. Okay. That's fine.</p> <p>2 Did Mr. Bender seem to take any issue</p> <p>3 with the fact that it got pushed off a day that</p> <p>4 they reported to -- that Ms. Kleckner and Ms.</p> <p>5 Goodman reported to this building?</p> <p>6 A. No.</p> <p>7 Q. What would you say the state of Ms.</p> <p>8 Kleckner and Ms. Goodman's offices were in at the</p> <p>9 time that they took the keys, so December 8, 2020?</p> <p>10 A. Fair.</p> <p>11 Q. Did you go into the offices with Ms.</p> <p>12 Kleckner and Ms. Goodman that day?</p> <p>13 A. Yes.</p> <p>14 Q. And did Ms. Goodman point out a number</p> <p>15 of concerns she had with her office's esthetics</p> <p>16 and condition?</p> <p>17 A. She did.</p> <p>18 Q. Were there -- did she point out mouse or</p> <p>19 rat droppings?</p> <p>20 A. I don't remember her pointing that out.</p> <p>21 I do remember the ceiling tile had water damage.</p> <p>22 Q. Was it just water damage or was there</p> <p>23 still water dripping from it at that point?</p> <p>24 A. I don't recall water dripping.</p>	<p>Page 269</p> <p>1 The sole closet was completely full with</p> <p>2 items, correct?</p> <p>3 A. It may have been.</p> <p>4 Q. Their -- Ms. Goodman and Ms. Kleckner's</p> <p>5 computers had been transferred to those offices at</p> <p>6 that point, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 Do you know if the printers were there</p> <p>10 at that point?</p> <p>11 A. No.</p> <p>12 Q. The print -- so they were not there?</p> <p>13 A. They were not.</p> <p>14 Q. Okay.</p> <p>15 Did you know or were you informed that</p> <p>16 in the assessment office, Ms. Kleckner and Ms. --</p> <p>17 and/or Ms. Goodman, I can't remember if it was</p> <p>18 both, one or if not both of them, had dual</p> <p>19 monitors and they did not in the 410 Building?</p> <p>20 A. I don't know what they had in the tax</p> <p>21 assessment building.</p> <p>22 Q. Okay.</p> <p>23 A. Or office of the courthouse.</p> <p>24 Q. Do you know how long after December 8th</p>
<p>Page 268</p> <p>1 Q. Okay.</p> <p>2 But it definitely was --</p> <p>3 A. Oh, yeah.</p> <p>4 Q. -- water stained?</p> <p>5 A. It was definitely -- it was definitely</p> <p>6 water stained.</p> <p>7 Q. Anyone ever, to your knowledge, up until</p> <p>8 December 8th, remove those tiles to see if there</p> <p>9 was mold in them?</p> <p>10 A. No.</p> <p>11 Q. Do you remember there being a cookie or</p> <p>12 a cupcake in a heater vent?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 There was a number of computer CPU</p> <p>16 towers that were taking up a lot of the office</p> <p>17 space, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And the only file cabinet in the office</p> <p>20 was completely full, correct?</p> <p>21 A. To my knowledge, yes.</p> <p>22 Q. And the sole closet in the office, and I</p> <p>23 am just referring to Ms. Goodman's office for now,</p> <p>24 just for the record.</p>	<p>Page 270</p> <p>1 they were -- Ms. Goodman and Ms. Kleckner were</p> <p>2 provided printers in that office in the 410</p> <p>3 Building?</p> <p>4 A. It was likely not until after the 1st of</p> <p>5 the year, just prior to their occupation of the</p> <p>6 offices.</p> <p>7 Q. So they didn't actually beginning</p> <p>8 working in the 410 Building then in December?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 Why not?</p> <p>12 A. There were still concerns around the</p> <p>13 cleanliness of the office. So we had maintenance</p> <p>14 go back in. That's when Mr. Nester finally</p> <p>15 removed all of the IT equipment and files.</p> <p>16 Q. So then --</p> <p>17 A. And then -- sorry.</p> <p>18 Q. No, go ahead.</p> <p>19 A. And then he would have -- did he -- I</p> <p>20 don't remember if he set up the printers at that</p> <p>21 point in time because this was done -- I think it</p> <p>22 was done between Christmas and New Years.</p> <p>23 Q. So then would you say that the county</p> <p>24 approved Ms. Goodman and Ms. Kleckner to continue</p>

<p>Page 271</p> <p>1 to work from home between December 8th and then</p> <p>2 whenever they did take possession of the office?</p> <p>3 A. Yes.</p> <p>4 Q. All right.</p> <p>5 But, again, they still -- Ms. Goodman</p> <p>6 and Ms. Kleckner still did not have laptops,</p> <p>7 computers, printers at home to work from, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Did you believe that their concerns --</p> <p>10 Ms. Kleckner and Ms. Goodman's concerns with their</p> <p>11 office conditions were justified?</p> <p>12 A. Yes.</p> <p>13 Q. Was SERV -- did SERVPRO come out during</p> <p>14 that time period?</p> <p>15 A. No.</p> <p>16 Q. Was there any additional cleaning done?</p> <p>17 A. Yes.</p> <p>18 Q. Is that during the time when you cleaned</p> <p>19 it?</p> <p>20 A. After I cleaned it.</p> <p>21 Q. So before December 8th you did not clean</p> <p>22 it?</p> <p>23 A. No.</p> <p>24 Q. It was after they first saw it that</p>	<p>Page 273</p> <p>1 individuals' time accordingly. I don't -- I think</p> <p>2 there is a policy at the courthouse as it speaks</p> <p>3 to individuals who are subpoenaed, but I'm not 100</p> <p>4 percent certain about that.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. So do you recall if you were involved in</p> <p>7 a revision to a subpoena or jury duty -- jury</p> <p>8 duty's policy?</p> <p>9 A. No.</p> <p>10 Q. No you weren't?</p> <p>11 A. I was not.</p> <p>12 Q. Okay.</p> <p>13 Do you recall the plaintiffs requesting</p> <p>14 time off to speak with the attorney general's</p> <p>15 office?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall informing them that they</p> <p>18 would either have to use PTO or bank time or be</p> <p>19 unpaid?</p> <p>20 A. Yes.</p> <p>21 Q. Did you speak with anybody about --</p> <p>22 strike that.</p> <p>23 You informed my clients, the plaintiffs</p> <p>24 that that was what would have to occur, correct?</p>
<p>Page 272</p> <p>1 that's when --</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 So SERVPRO doesn't come out -- nobody</p> <p>5 comes out or cleans it, the county still wants</p> <p>6 them to take possession. They justifiably raise</p> <p>7 concerns about the conditions and then, I guess,</p> <p>8 because you can't get anybody to come clean it</p> <p>9 from SERVPRO, you do it yourself?</p> <p>10 A. Yes.</p> <p>11 Q. Or with --</p> <p>12 MS. PIPAK: Object to the form.</p> <p>13 You can answer.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. What was your understanding about time</p> <p>16 off for employees who needed to speak with law</p> <p>17 enforcement agencies?</p> <p>18 A. Based upon the fact that they were</p> <p>19 subpoenaed or not?</p> <p>20 Q. If they were not subpoenaed?</p> <p>21 MS. PIPAK: Object to the form.</p> <p>22 But you can answer.</p> <p>23 THE WITNESS: My understanding was</p> <p>24 that the department head would manage the</p>	<p>Page 274</p> <p>1 A. Yes.</p> <p>2 Q. Did you speak with anybody before</p> <p>3 informing my clients of that?</p> <p>4 A. Mr. Bender.</p> <p>5 Q. And what, if anything, did those</p> <p>6 conversations involve?</p> <p>7 A. Mr. Bender indicated that Ms. Toomey</p> <p>8 being the director of the department, should</p> <p>9 manage their time accordingly based upon whatever</p> <p>10 PTO time they have available to them in order to</p> <p>11 get paid.</p> <p>12 Q. Did he say if given that -- strike that.</p> <p>13 So did you understand that the reason</p> <p>14 that the plaintiffs wanted to speak with the</p> <p>15 attorney generals office was in regards to</p> <p>16 Defendant Halcovage's sexual harassment?</p> <p>17 A. I did not know that at the time.</p> <p>18 Q. Okay.</p> <p>19 Did you ever learn that?</p> <p>20 A. I did.</p> <p>21 Q. When did you learn it?</p> <p>22 A. After -- after long after the fact.</p> <p>23 Q. Okay.</p> <p>24 So not while you were employed -- well,</p>

<p>Page 275</p> <p>1 at least long after your employment, first stint?</p> <p>2 A. Yeah. It was -- it was probably in</p> <p>3 March.</p> <p>4 Q. Did you ask any of the plaintiffs why</p> <p>5 they wanted to speak with the attorney generals</p> <p>6 office?</p> <p>7 A. No.</p> <p>8 Q. Do you know if anybody from the county</p> <p>9 did?</p> <p>10 A. Not to my knowledge.</p> <p>11 Q. In those conversations you had with</p> <p>12 Defendant Bender or conversation you had with</p> <p>13 Defendant Bender about their -- plaintiffs time</p> <p>14 off request for attorney general interviews, did</p> <p>15 he indicate to you that they would have to use PTO</p> <p>16 or not be paid to attend those interviews?</p> <p>17 A. Yes.</p> <p>18 MR. LEES: Just note -- again, just</p> <p>19 note my objection to the form because I think the</p> <p>20 witness just said that she wasn't aware that it</p> <p>21 was to speak with the AG.</p> <p>22 MS. SMITH: Well, okay. So let's</p> <p>23 go back.</p> <p>24 BY MS. SMITH:</p>	<p>Page 277</p> <p>1 Q. So you weren't told that it was an</p> <p>2 attorney general interview that they were going</p> <p>3 to?</p> <p>4 A. I don't recall that.</p> <p>5 MS. SMITH: Okay. I am going to</p> <p>6 mark as 286, it will be Doe Supplemental 510</p> <p>7 through 514.</p> <p>8 - - -</p> <p>9 (Doe 510-514 marked as Exhibit-286 for</p> <p>10 identification.)</p> <p>11 - - -</p> <p>12 BY MS. SMITH:</p> <p>13 Q. If we look to the very -- well, the</p> <p>14 second to last page with the signature line on</p> <p>15 last page, context of the e-mail is on 513.</p> <p>16 There's an e-mail from Angela Toomey to</p> <p>17 you on December 11th. She states: Marcy and</p> <p>18 Missy are making a PTO request for Tuesday,</p> <p>19 December 15th. See attached.</p> <p>20 MS. SMITH: Sorry, Matt, I'm going</p> <p>21 to make you earn your money. I'm going to also --</p> <p>22 I'll mark collectively for the record purposes, as</p> <p>23 287, it's 493 and 494.</p> <p>24 - - -</p>
<p>Page 276</p> <p>1 Q. I thought you said that you knew it was</p> <p>2 to speak with the AG, but you didn't know it was</p> <p>3 about the allegations against Defendant Halcovage;</p> <p>4 am I right?</p> <p>5 A. I knew they were going to Harrisburg. I</p> <p>6 don't recall specifically if the -- if the AG was</p> <p>7 mentioned.</p> <p>8 Q. Did --</p> <p>9 MR. LEES: And actually I misspoke</p> <p>10 then, because that was -- I missed that part.</p> <p>11 Okay.</p> <p>12 MS. SMITH: Okay. Yeah, I mean, I</p> <p>13 probably needed clarification, I know the record</p> <p>14 did, so we made it clear.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. So you knew that -- you at least know</p> <p>17 you know they were going to Harrisburg, right?</p> <p>18 A. Right.</p> <p>19 Q. Do you know that it -- if it was a</p> <p>20 vacation, if it -- what did you know about</p> <p>21 Harrisburg?</p> <p>22 A. That they were going to meet with</p> <p>23 somebody regarding -- I don't even know. They</p> <p>24 didn't even say.</p>	<p>Page 278</p> <p>1 (Doe 493-494 marked as Exhibit-287 for</p> <p>2 identification.)</p> <p>3 - - -</p> <p>4 BY MS. SMITH:</p> <p>5 Q. So you have now in front of you the</p> <p>6 first page of 287.</p> <p>7 Is this one of the two attachments that</p> <p>8 Ms. Toomey sent you?</p> <p>9 A. I don't recall seeing these requests.</p> <p>10 Q. Okay.</p> <p>11 So if we look back at 286, Ms. Toomey</p> <p>12 said see attached.</p> <p>13 A. Okay. Yeah, I don't remember those.</p> <p>14 Q. Okay.</p> <p>15 Any reason to believe that Ms. Toomey</p> <p>16 did not attach -- at least let's start with the</p> <p>17 first page of 287, Ms. Goodman's PTO request?</p> <p>18 A. No reason that they wouldn't have been.</p> <p>19 Q. And then 494, it's an e-mail from the</p> <p>20 same date and same time, but from -- or roughly</p> <p>21 the same time, from Ms. Kleckner making an</p> <p>22 identical request for PTO?</p> <p>23 A. Yes.</p> <p>24 Q. Any reason to believe that this wasn't</p>



<p style="text-align: right;">Page 279</p> <p>1 also one of the attachment Ms. Toomey was  2 referencing?  3 A. No.  4 Q. Okay.  5 So they're pretty much identical, so you  6 can look at either one.  7 MS. SMITH: And, Matt, you can  8 project either -- you can project either one, but  9 you've got Kleckner's up, so we'll look at --  10 BY MS. SMITH:  11 Q. If you look at the second page of 287,  12 the one with -- for Marcy.  13 Do you see where it says, end of the  14 first line, beginning of the second line, I don't  15 feel comfortable mentioning in this e-mail due to  16 the concern for my safety.  17 Do you recall this being sent to you,  18 forwarded to you?  19 A. No.  20 Q. Okay.  21 So you didn't have any discussions with  22 Ms. Kleckner or Ms. Goodman about why they would  23 have a concern for their safety --  24 A. No.</p>	<p style="text-align: right;">Page 281</p> <p>1 Q. Okay.  2 A. From the HR department.  3 Q. So does this then refresh your  4 recollection -- and, listen, I know it's been a  5 number of years and there was a lot going on.  6 Does this refresh your recollection if you knew  7 that, in fact, Ms. Goodman and Ms. Kleckner wanted  8 to attend an interview with the AG's office  9 related to Defendant Halcovage?  10 A. Yes.  11 Q. Okay.  12 And so they -- you knew that that's what  13 they wanted to do, and yet it was still decided by  14 the county that they needed to either use PTO or  15 not be paid?  16 A. Correct.  17 Q. Okay.  18 Who made that decision?  19 A. Mr. Bender.  20 Q. And did Mr. Bender understand that the  21 AG interviews that Ms. Goodman and Ms. Kleckner  22 wanted to attend, I believe it was also Ms.  23 Goodman and -- I mean Ms. Toomey and Ms. Gerchak,  24 but those AG interviews they wanted to attend</p>
<p style="text-align: right;">Page 280</p> <p>1 Q. -- mentioning their reason for going?  2 A. No.  3 Q. Okay.  4 MS. PIPAK: The Bates number on  5 this exhibit, is it Doe Supplemental 493?  6 MS. SMITH: Doe Supplemental 493  7 and 494.  8 BY MS. SMITH:  9 Q. Okay.  10 If we look to the first page of 286, the  11 very first page, yeah, there you go. The bottom  12 e-mail from you to Angela on December 14th states:  13 Apologies for not responding sooner as I had some  14 research to complete. I have found no applicable  15 county handbook provision or other policy that  16 would provide paid time off outside of sick hours,  17 vacation, or personal time that Marcy and Melissa  18 had available to them today.  19 Do you recall doing research into the  20 subpoena or jury duty subpoena because it was in  21 regards to a law enforcement investigation  22 concerning Defendant Halcovage?  23 A. I had a conversation with Heather  24 Garritty.</p>	<p style="text-align: right;">Page 282</p> <p>1 related to Defendant Halcovage's conduct?  2 A. I don't know the answer to that.  3 Q. Did you have that conversation with him?  4 A. No.  5 Q. Okay.  6 But you knew that that's what it had to  7 do with?  8 A. I was made aware, yes.  9 Q. Okay.  10 And when he said no, they have to use  11 PTO, you didn't tell him, well, it's in regards to  12 --  13 A. I think I did.  14 Q. Okay.  15 So he did know that it was in regards to  16 an AG investigation?  17 A. Yes.  18 Q. Okay.  19 And he knew that investigation was  20 related to Defendant Halcovage?  21 A. Yes.  22 Q. Okay.  23 And he still said no?  24 A. Yes.</p>

<p>Page 283</p> <p>1 Q. I should rephrase that.</p> <p>2 He still said they have to have use PTO</p> <p>3 or be unpaid?</p> <p>4 A. Correct.</p> <p>5 Q. Okay.</p> <p>6 Do you have any understanding or</p> <p>7 knowledge of how county benefits work, like health</p> <p>8 insurance?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A county employee has -- is required to</p> <p>12 work a requisite number of hours before they're --</p> <p>13 per week to be eligible for benefits, correct?</p> <p>14 A. Correct.</p> <p>15 Q. 30 -- is it 35?</p> <p>16 A. As a full time.</p> <p>17 Q. Okay.</p> <p>18 So you have to be 35 hours to be a</p> <p>19 full-time employee and those are the individuals</p> <p>20 who receive -- are eligible to receive county</p> <p>21 health insurance?</p> <p>22 A. Correct.</p> <p>23 Q. What happens if an employee works under</p> <p>24 35 hours in any given week?</p>	<p>Page 285</p> <p>1 So for instance if going to these AG</p> <p>2 interviews and Ms. Goodman and Ms. Kleckner taking</p> <p>3 time off to attend them and being unpaid, they --</p> <p>4 those -- the hours that they were at the AG</p> <p>5 interviews would not count towards time worked for</p> <p>6 the 35-hour benefit minimum requirement, correct?</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: It wouldn't impact</p> <p>10 their ability to remain enrolled in benefits</p> <p>11 because it was a one-day situation.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Right.</p> <p>14 But what I am -- so I guess -- you're</p> <p>15 getting to the conclusion.</p> <p>16 A. Sorry.</p> <p>17 Q. I'm trying to get -- no, no, no, it's</p> <p>18 okay.</p> <p>19 I am trying to get at the facts because</p> <p>20 there's other hype facts that play into this.</p> <p>21 My first question is: Just when an</p> <p>22 individual such as Ms. Goodman and Ms. Kleckner</p> <p>23 takes a day and doesn't work.</p> <p>24 A. Uh-huh.</p>
<p>Page 284</p> <p>1 A. Well, it's -- because of the ACA and the</p> <p>2 reporting requirements, if they drop under 30</p> <p>3 hours on a weekly pay period basis and that</p> <p>4 averages less than 30 hours over a certain period</p> <p>5 of time, under the ACA, they're not eligible to</p> <p>6 participate in the plan.</p> <p>7 Q. What's the ACA?</p> <p>8 A. Affordable Care Act.</p> <p>9 Q. Okay.</p> <p>10 And so if -- PTO, vacation, sick time</p> <p>11 count towards those 35 hours, correct?</p> <p>12 A. Vacation counts as time worked. Sick</p> <p>13 doesn't. I don't think P -- I don't think</p> <p>14 personal does either. Just vacation.</p> <p>15 Q. Okay.</p> <p>16 But what about non-paid leave?</p> <p>17 A. So until an individual gets into a</p> <p>18 30-day period where they're on some type of unpaid</p> <p>19 leave, would their benefit enrollment be impacted.</p> <p>20 Q. Is -- that's what I'm asking you. Yes.</p> <p>21 A. Yes.</p> <p>22 Q. It would be, right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>	<p>Page 286</p> <p>1 Q. And they don't record any hours for that</p> <p>2 because they don't have vacation and they're not</p> <p>3 paid, that -- then those hours, however long they</p> <p>4 are, do not count towards the 35 hours?</p> <p>5 A. Correct.</p> <p>6 Q. Because it has to be covered by</p> <p>7 vacation?</p> <p>8 A. Correct.</p> <p>9 Q. Okay.</p> <p>10 So then if the employee in question also</p> <p>11 was using -- utilizing sick time to make -- to be</p> <p>12 paid, but not -- to use sick time to be paid, but</p> <p>13 not actually working, that would impact the number</p> <p>14 of hours that an employee worked for the benefits</p> <p>15 minimum requirement?</p> <p>16 A. It could. Yeah, because there's very</p> <p>17 specific -- well, there's guidelines -- I don't</p> <p>18 want to get this confused.</p> <p>19 The collective bargaining agreement</p> <p>20 doesn't dictate the eligibility. Sorry. I'm</p> <p>21 thinking through this out loud. This -- the --</p> <p>22 yeah, the collective bargaining agreement does not</p> <p>23 dictate eligibility for benefits. That's through</p> <p>24 the plan document. And only when there's a</p>

<p style="text-align: right;">Page 287</p> <p>1 continuous leave of absence of 30 or more days is</p> <p>2 the individual's eligibility impacted --</p> <p>3 Q. Okay.</p> <p>4 A. -- to be enrolled.</p> <p>5 Q. Okay.</p> <p>6 So if someone is working sporadically,</p> <p>7 but not making 35 hours, they're eligible --</p> <p>8 eligibility is not impacted?</p> <p>9 A. No. They -- it would be impacted.</p> <p>10 Q. Okay.</p> <p>11 A. They would -- they would not meet the</p> <p>12 minimum requirements.</p> <p>13 Q. Okay.</p> <p>14 A. For eligibility under the plan document,</p> <p>15 which would trigger a qualifying life event, in</p> <p>16 which that individual would receive COBRA</p> <p>17 coverage.</p> <p>18 Q. Okay.</p> <p>19 So if they're on something such as FMLA</p> <p>20 leave, which would then trigger that 30-day</p> <p>21 period, they -- they wouldn't their eligibility</p> <p>22 wouldn't be impacted because they're on that</p> <p>23 leave, extended leave?</p> <p>24 A. Until -- correct.</p>	<p style="text-align: right;">Page 289</p> <p>1 Q. Okay.</p> <p>2 A. -- to enroll in benefits.</p> <p>3 Q. Okay.</p> <p>4 A. And as far as the hours that are</p> <p>5 reported on an annual basis, it's not something</p> <p>6 that's done regularly. There's like an annual</p> <p>7 report that's review for ACA requirements.</p> <p>8 Q. Okay.</p> <p>9 A. And if an employee doesn't maintain at</p> <p>10 least 30 hours or more, then that's -- that's what</p> <p>11 creates the qualifying life event. Does that make</p> <p>12 sense?</p> <p>13 Q. Right.</p> <p>14 But you were saying that Mr. Bender held</p> <p>15 authority to allow someone who wasn't making the</p> <p>16 hours to continue to be enrolled. So maybe not</p> <p>17 newly enroll because you said -- is that the</p> <p>18 distinction? Like, if they are new -- they can't</p> <p>19 newly enroll in the plan if they don't -- aren't a</p> <p>20 full-time employee, but a full-time employee who</p> <p>21 is not making the hours requirement could be</p> <p>22 permitted to remain enrolled in Mr. Bender</p> <p>23 approved them.</p> <p>24 Am I correct?</p>
<p style="text-align: right;">Page 288</p> <p>1 Q. Okay.</p> <p>2 A. Yes.</p> <p>3 Q. So it's FMLA --</p> <p>4 A. Yes.</p> <p>5 Q. -- short-term disability?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Got it. Understood.</p> <p>8 What control does the county have in the</p> <p>9 benefit eligibility, other than reporting --</p> <p>10 because obviously someone's got to report the</p> <p>11 hours to the plan. But other than that, if the</p> <p>12 employee isn't making the hours, can the county</p> <p>13 still decide to allow to employee to receive</p> <p>14 benefits?</p> <p>15 A. Yes.</p> <p>16 Q. Who makes that decision?</p> <p>17 A. Mr. Bender.</p> <p>18 Q. So an employee could be minium --</p> <p>19 minimum -- part time, so less than 35 hours, and</p> <p>20 still be eligible for benefits if Mr. Bender</p> <p>21 elected to allow them to do so?</p> <p>22 A. Well, I don't think he would -- I don't</p> <p>23 think he would -- the plan doesn't allow for part</p> <p>24 time-individuals --</p>	<p style="text-align: right;">Page 290</p> <p>1 A. Yeah. I would -- I would say that he</p> <p>2 would -- he can influence the decision on whether</p> <p>3 or not they would be sent to COBRA. So he</p> <p>4 would -- he would -- he wouldn't influence the</p> <p>5 eligibility, but he could -- he can influence the</p> <p>6 termination of coverage.</p> <p>7 Q. Okay.</p> <p>8 So if -- maybe I am -- correct me if I'm</p> <p>9 understanding you correctly or I am accurate, Mr.</p> <p>10 Bender could take an affirmative step -- step at</p> <p>11 any point to report the not -- the employee not</p> <p>12 meeting the hours requirement and trigger COBRA?</p> <p>13 A. Yes.</p> <p>14 Q. He could also not take that affirmative</p> <p>15 step and it would allow them to continue,</p> <p>16 regardless of what their hours were?</p> <p>17 A. Correct.</p> <p>18 Q. Okay.</p> <p>19 Anyone else who has that authority in</p> <p>20 the county?</p> <p>21 A. Well, the commissioners.</p> <p>22 Q. Okay.</p> <p>23 Anyone else?</p> <p>24 A. I don't think so.</p>

<p style="text-align: right;">Page 291</p> <p>1 MS. SMITH: Okay. Going to look at</p> <p>2 Doe Supplement 507, 288.</p> <p>3 - - -</p> <p>4 (Doe 507 marked as Exhibit-288 for</p> <p>5 identification.)</p> <p>6 - - -</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Do you recognize this e-mail?</p> <p>9 A. Yes.</p> <p>10 Q. This is an e-mail from Ms. Toomey to</p> <p>11 you, as well as some other individuals on December</p> <p>12 12, 2020, correct?</p> <p>13 A. Yes.</p> <p>14 Q. All right.</p> <p>15 MS. SMITH: We're going to look at</p> <p>16 504 and 505, I can collectively mark these at 289.</p> <p>17 - - -</p> <p>18 (Doe 504-505 marked as Exhibit-289 for</p> <p>19 identification.)</p> <p>20 - - -</p> <p>21 MS. SMITH: Matt, you can start</p> <p>22 with projecting 504 on the screen.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Do you recognize this e-mail?</p>	<p style="text-align: right;">Page 293</p> <p>1 Q. Do you have an understanding of</p> <p>2 disability reasonable accommodation conversations?</p> <p>3 A. Yes.</p> <p>4 Q. And are you aware that an interactive</p> <p>5 process has to occur?</p> <p>6 A. Yes.</p> <p>7 Q. Do you think the county engaged Ms.</p> <p>8 Kleckner in an interactive process?</p> <p>9 A. At this point, no.</p> <p>10 Q. Do you believe that anxiety and panic</p> <p>11 attacks could qualify as a disability for which a</p> <p>12 reasonable accommodate might be granted?</p> <p>13 MR. LEES: Just note my objection.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Did you try and have anyone at the</p> <p>18 county speak or engage Ms. Kleckner in an</p> <p>19 interactive process?</p> <p>20 A. Not at this point.</p> <p>21 Q. Why not?</p> <p>22 A. I didn't tie it to an ADA request, an</p> <p>23 ADA reasonable accommodation request.</p> <p>24 Q. Well, Ms. Kleckner uses the words</p>
<p style="text-align: right;">Page 292</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 Is one of those two attachments Ms.</p> <p>4 Toomey references in her e-mail to you?</p> <p>5 A. Yes, I think so.</p> <p>6 Q. Okay.</p> <p>7 Okay.</p> <p>8 So let's start with this one since we've</p> <p>9 got it up on the screen. Ms. Kleckner states:</p> <p>10 Please allow this e-mail to serve as my official</p> <p>11 request for a reasonable accommodation to work</p> <p>12 from home.</p> <p>13 As you know, I attempted to work in a</p> <p>14 new office the county provided, however I</p> <p>15 experienced extreme anxiety and panic attacks.</p> <p>16 Additionally, the office is not set up to work</p> <p>17 efficiently and does not have the equipment to</p> <p>18 adequately perform my job.</p> <p>19 Did you speak with Ms. Kleckner about</p> <p>20 the e-mail and her statements in that paragraph?</p> <p>21 A. No.</p> <p>22 Q. Do you know if anyone on the county --</p> <p>23 on behalf of the county did?</p> <p>24 A. Not to my knowledge.</p>	<p style="text-align: right;">Page 294</p> <p>1 reasonable accommodation and then says she's</p> <p>2 experiencing extreme anxiety and panic attacks.</p> <p>3 Why didn't you think that her request was as</p> <p>4 result of that disability she was espousing?</p> <p>5 A. I didn't make that connection.</p> <p>6 Q. Did you -- I'm sorry if I asked you</p> <p>7 this. Did you respond to Ms. Kleckner's e-mail,</p> <p>8 either directly to her or Ms. Toomey's forwarding</p> <p>9 of Ms. Kleckner's e-mail?</p> <p>10 A. It was -- it would have been through the</p> <p>11 forwarding of Ms. Toomey's e-mail.</p> <p>12 Q. You do recall responding?</p> <p>13 A. I responded to Ms. Toomey.</p> <p>14 Q. Okay.</p> <p>15 And what did you tell Ms. Toomey?</p> <p>16 A. In that I would take another look at the</p> <p>17 space.</p> <p>18 Q. Okay.</p> <p>19 But not anything about the request --</p> <p>20 Ms. Kleckner's request to work from home?</p> <p>21 A. Well, that I would speak with Mr. Bender</p> <p>22 about it again to see if there was any chance of</p> <p>23 that being approved.</p> <p>24 Q. Okay.</p>

<p>Page 295</p> <p>1 So did you then speak with Mr. Bender</p> <p>2 about re -- reconsidering the work from home</p> <p>3 request?</p> <p>4 A. Yes.</p> <p>5 Q. What was his response?</p> <p>6 A. No.</p> <p>7 Q. Why, if he told you?</p> <p>8 A. He didn't.</p> <p>9 Q. He just said no?</p> <p>10 A. He just said no.</p> <p>11 Q. Return to 505, 506. It's an e-mail from</p> <p>12 Ms. Goodman to Ms. Toomey.</p> <p>13 Was this the other attachment to Ms.</p> <p>14 Toomey's e-mail?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Ms. Goodman indicates: The thought of</p> <p>18 coming -- it's in the second paragraph, the middle</p> <p>19 of it.</p> <p>20 The thought of coming back to be work</p> <p>21 while Mr. Halcovage remains employed causes me to</p> <p>22 fell shame, disgusted, embarrassed, defeated,</p> <p>23 sick, scared, nervous, and depressed. These</p> <p>24 feelings are compounded by the fact that the</p>	<p>Page 297</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 Ms. Goodman, in the bullet points there,</p> <p>4 she lists a number of issues with her office</p> <p>5 space.</p> <p>6 Do you have any reason to believe that</p> <p>7 she misrepresented in official e-mail to the</p> <p>8 county, what was wrong with her office?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 And similar to Ms. Kleckner, did you not</p> <p>12 engage Ms. Goodman in an interactive discussion</p> <p>13 about a reasonable accommodation to work from</p> <p>14 home?</p> <p>15 A. Correct.</p> <p>16 MS. SMITH: Going to look at Doe</p> <p>17 Supplement 520 and 521, 290.</p> <p>18 - - -</p> <p>19 (Doe 520-521 marked as Exhibit-290 for</p> <p>20 identification.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Do you recognize this document?</p> <p>24 A. Yes.</p>
<p>Page 296</p> <p>1 office space is filthy, degrading, and for lack of</p> <p>2 a better word, a slap in the face.</p> <p>3 Did you reach out to Ms. Goodman to</p> <p>4 discuss her statements in that paragraph?</p> <p>5 A. No.</p> <p>6 Q. Why not?</p> <p>7 A. I would have had conversations with Ms.</p> <p>8 Toomey.</p> <p>9 Q. Why did you feel that addressing with</p> <p>10 Ms. Toomey was appropriate as opposed to</p> <p>11 addressing it with the specific employees</p> <p>12 themselves?</p> <p>13 A. The majority of communications typically</p> <p>14 came from Ms. Toomey. And with her being their</p> <p>15 direct supervisor, I did work for her.</p> <p>16 Q. The conversation you said you had with</p> <p>17 Mr. Bender to reconsider the 410 Building, was</p> <p>18 that in regards -- I'm sorry -- to reconsider the</p> <p>19 work from home request, was that a general request</p> <p>20 as it relates to Ms. Kleckner and Ms. Goodman?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 So you were asking him to reconsider</p> <p>24 both work -- working from home?</p>	<p>Page 298</p> <p>1 Q. It includes an e-mail from you to me, as</p> <p>2 well as the county's attorney, Mr. Heinbach, Mr.</p> <p>3 Bender, and the county solicitor Mr. Roth, as well</p> <p>4 as the document, which was attached to your</p> <p>5 e-mail, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 Who drafted this letter?</p> <p>9 A. Mr. Heinbach.</p> <p>10 Q. And did you make any edits or changes to</p> <p>11 it?</p> <p>12 A. No, I did not.</p> <p>13 Q. Did Mr. Bender make any edits or changes</p> <p>14 to it?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. You were just instructed by Mr. Heinbach</p> <p>17 to give this to me?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 No input at all on it?</p> <p>21 A. No.</p> <p>22 Q. On the second page of the letter, so the</p> <p>23 last page of the document.</p> <p>24 A. Uh-huh.</p>



<p>Page 299</p> <p>1 Q. It indicates who is copied.</p> <p>2 What does it mean by file?</p> <p>3 A. Personnel file.</p> <p>4 Q. So that would be personnel file for Ms.</p> <p>5 Kleckner and Ms. Goodman, in this case?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 At this point, so December 16, 2020, had</p> <p>9 you received any correspondence or information</p> <p>10 from either Ms. Kleckner or Ms. Goodman's medical</p> <p>11 providers?</p> <p>12 A. Not to my knowledge.</p> <p>13 Q. Okay.</p> <p>14 If you look to the -- on the first page</p> <p>15 of the letter, so second page of the document.</p> <p>16 A. Uh-huh.</p> <p>17 Q. There's numbered -- a numbered list. We</p> <p>18 are going to look to No. 2.</p> <p>19 The county has engaged an outside</p> <p>20 cleaning company to have both offices</p> <p>21 professionally cleaned and disinfected.</p> <p>22 I think from today's testimony, correct</p> <p>23 me if I'm wrong, there was never a professional --</p> <p>24 an out -- no -- never an outside cleaning company</p>	<p>Page 301</p> <p>1 county held off on retaining the outside cleaning</p> <p>2 company?</p> <p>3 A. I don't -- I think that the county held</p> <p>4 off on having the offices cleaned period.</p> <p>5 Q. Okay.</p> <p>6 A. Whether it was by an outside vendor or</p> <p>7 the maintenance crew or anyone else.</p> <p>8 Q. But because they were waiting for</p> <p>9 confirmation that the employers would relocate</p> <p>10 there?</p> <p>11 A. Right.</p> <p>12 Q. Did the -- the employees in this case</p> <p>13 were Ms. Goodman and Ms. Kleckner, right?</p> <p>14 A. Yes.</p> <p>15 Q. Did they have an option to confirm or</p> <p>16 decline to work there?</p> <p>17 A. I would say no.</p> <p>18 Q. Right.</p> <p>19 It was either be employed or not be</p> <p>20 employed?</p> <p>21 A. Yeah.</p> <p>22 Q. Be employed and work from the 410 or not</p> <p>23 be employed?</p> <p>24 A. Yes.</p>
<p>Page 300</p> <p>1 that professionally cleaned or disinfected the</p> <p>2 offices, correct?</p> <p>3 A. Correct.</p> <p>4 Q. In the county's attempt the access the</p> <p>5 offices on December 15th, Ms. Kleckner and Ms.</p> <p>6 Goodman held the only keys for entry.</p> <p>7 Who attempted to access their offices?</p> <p>8 A. Maintenance.</p> <p>9 Q. Okay.</p> <p>10 Not an outside cleaning company?</p> <p>11 A. No, not at that point.</p> <p>12 Q. Okay.</p> <p>13 Would you agree with me that the word --</p> <p>14 the way that that's worded it seems as though it's</p> <p>15 the outside cleaning company?</p> <p>16 A. Yes.</p> <p>17 Q. Then it states: Given that retaining an</p> <p>18 outside cleaning company would cost he county</p> <p>19 additional monies, we held off until we received</p> <p>20 confirmation that the employees would relocate to</p> <p>21 the 410 Building.</p> <p>22 That's not accurate, is it?</p> <p>23 A. As far as?</p> <p>24 Q. Holding -- why the held -- why the</p>	<p>Page 302</p> <p>1 Q. Okay.</p> <p>2 They didn't have an option to say, no,</p> <p>3 we want to continue to work from home?</p> <p>4 A. Yes.</p> <p>5 Q. Because they tried that, right?</p> <p>6 A. Right.</p> <p>7 Q. And it was denied, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 The next No. 3 says: The concerns</p> <p>11 raised by Ms. Goodman regarding the MIS equipment,</p> <p>12 approximately ten towers and one filing cabinet,</p> <p>13 are being addressed by the MIS director. The</p> <p>14 equipment will be removed from their offices as</p> <p>15 soon as pract -- practical.</p> <p>16 Ms. Goodman raised concerns with the</p> <p>17 tower -- the towers and the filing cabinet at the</p> <p>18 December 8th meeting, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay.</p> <p>21 Do you know how soon after the MIS</p> <p>22 director was asked to remove them?</p> <p>23 A. That it happened?</p> <p>24 Q. Yeah.</p>

<p style="text-align: right;">Page 303</p> <p>1 A. Again, I don't think it was until</p> <p>2 between Christmas and New Years.</p> <p>3 Q. Well -- so -- but I'm sorry. Maybe my</p> <p>4 question wasn't clear.</p> <p>5 Not when the removal happened, but when</p> <p>6 the request the removal was made?</p> <p>7 A. Oh, that was initial when it was --</p> <p>8 Q. Right on December 8th or something</p> <p>9 different?</p> <p>10 A. Yeah. Yes, it would have been</p> <p>11 December 8th.</p> <p>12 Q. Okay.</p> <p>13 Do you know why it took them so long?</p> <p>14 A. No.</p> <p>15 Q. Do you know if they were told by anyone</p> <p>16 not to remove it?</p> <p>17 A. No.</p> <p>18 Q. Ms. Goodman and Ms. Kleckner, while</p> <p>19 working from home without the necessary equipment,</p> <p>20 without the laptops, computer, printer, were</p> <p>21 having difficulty making their 35 hours a week;</p> <p>22 would you agree?</p> <p>23 A. Yes.</p> <p>24 MS. PIPAK: Object to the form.</p>	<p style="text-align: right;">Page 305</p> <p>1 referring to?</p> <p>2 A. The maintenance crew.</p> <p>3 Q. Did you -- you tried to get them to</p> <p>4 respond?</p> <p>5 A. Yes.</p> <p>6 Q. Did you seek the assistance of any</p> <p>7 county officials to get them to respond?</p> <p>8 A. I spoke with Paul. Again, I don't</p> <p>9 remember Paul's last name. He's retired. He was</p> <p>10 the director of maintenance.</p> <p>11 Q. That's not Buber, right?</p> <p>12 A. No.</p> <p>13 Q. That's finance.</p> <p>14 A. He's finance. I can't remember his</p> <p>15 name. I'm sorry.</p> <p>16 Q. It's okay.</p> <p>17 So you asked for his assistance. But</p> <p>18 anyone else?</p> <p>19 A. And Mr. Bender's.</p> <p>20 Q. Did Mr. Bender assist you?</p> <p>21 A. He told me to speak with Paul.</p> <p>22 Q. Did you tell him you spoke with Paul?</p> <p>23 A. I did.</p> <p>24 Q. And did you tell him it still wasn't</p>
<p style="text-align: right;">Page 304</p> <p>1 Go ahead.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. They were out of time -- county time to</p> <p>4 utilize to be paid for any non-hours. So they</p> <p>5 didn't work, they didn't get paid because they</p> <p>6 were out of banked time, right?</p> <p>7 A. Correct.</p> <p>8 Q. Okay.</p> <p>9 So if they didn't have the equipment and</p> <p>10 they -- at home and they now couldn't get into the</p> <p>11 410 Building, why was it made -- why wasn't it</p> <p>12 made a priority to equip and get ready the 410</p> <p>13 Building for them so they could start making their</p> <p>14 hours and getting paid?</p> <p>15 MR. LEES: Just note my objection</p> <p>16 to form.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: It was. It was just</p> <p>19 a matter of cutting through some red tape and</p> <p>20 getting people to react --</p> <p>21 BY MS. SMITH:</p> <p>22 Q. What red --</p> <p>23 A. -- and respond.</p> <p>24 Q. What red tape or individuals are you</p>	<p style="text-align: right;">Page 306</p> <p>1 getting done?</p> <p>2 A. Yes.</p> <p>3 Q. Did he offer you any other assistance?</p> <p>4 A. No.</p> <p>5 Q. Did he speak with Paul?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. Did he speak with anyone else to try and</p> <p>8 move things along?</p> <p>9 A. He did have a conversation with</p> <p>10 Mr. Nester.</p> <p>11 Q. Okay.</p> <p>12 A. About the IT equipment.</p> <p>13 Q. That was only as it relates to the IT</p> <p>14 equipment, right?</p> <p>15 A. Yeah.</p> <p>16 Q. Nester couldn't do anything about the --</p> <p>17 A. No.</p> <p>18 Q. -- cleaning and all that stuff?</p> <p>19 A. Correct.</p> <p>20 Q. Okay.</p> <p>21 No. 4, the concerns raised regarding a</p> <p>22 smell/odor in the office were never raised prior</p> <p>23 to any -- by any prior employees using those</p> <p>24 offices.</p>

<p>Page 307</p> <p>1 Do you know when an employee last</p> <p>2 occupied those offices was?</p> <p>3 A. I do not.</p> <p>4 Q. Okay.</p> <p>5 And then it states: This is first time</p> <p>6 a complaint of an odor has been raised and the</p> <p>7 county will investigate the concern.</p> <p>8 Do you know what, if anything, the</p> <p>9 county did to investigate the concern?</p> <p>10 A. Again, maintenance would have been sent</p> <p>11 to determine where it may have been coming from</p> <p>12 and to -- maybe it was the ceiling tiles. I don't</p> <p>13 know.</p> <p>14 Q. All right.</p> <p>15 N the next page of the letters, the last</p> <p>16 page of the document: Some employees,</p> <p>17 particularly those in tax assessment and tax</p> <p>18 claim, are responsible for correctly performing</p> <p>19 time sensitive duties that are mandate -- mandated</p> <p>20 by state statutes.</p> <p>21 That would include the STEB report,</p> <p>22 correct?</p> <p>23 A. I assume, yes.</p> <p>24 Q. Okay.</p>	<p>Page 309</p> <p>1 A. I don't know that as well.</p> <p>2 Q. In the second to last paragraph it</p> <p>3 states: Such important responsibilities, working</p> <p>4 from home does not and has not provided the</p> <p>5 designed environment necessary for these important</p> <p>6 tasks to be completed.</p> <p>7 Do you feel that Ms. Kleckner and Ms.</p> <p>8 Goodman had a fair opportunity to show whether</p> <p>9 working from home was designed to complete these</p> <p>10 important tasks?</p> <p>11 MR. LEES: Just note my objection</p> <p>12 to form.</p> <p>13 MS. PIPAK: Object to the form.</p> <p>14 MR. LEES: You can answer.</p> <p>15 THE WITNESS: Had they been</p> <p>16 provided with the appropriate equipment, yes, they</p> <p>17 could have been very successful.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Okay.</p> <p>20 So you believe if they had the</p> <p>21 appropriate equipment, they could have worked from</p> <p>22 home?</p> <p>23 A. Yes.</p> <p>24 Q. Do you think that if they would have</p>
<p>Page 308</p> <p>1 Do you know, other than the STEB report,</p> <p>2 what time sensitive duties mandated by state</p> <p>3 statutes Ms. Goodman or Ms. Kleckner performed?</p> <p>4 A. I do not.</p> <p>5 Q. If we look to No. 2 under this</p> <p>6 paragraph, it says meeting all state and local</p> <p>7 mandates, sales, submissions, and other reports</p> <p>8 are required to be submitted to the State Tax</p> <p>9 Equalization Board.</p> <p>10 Would you agree with me that Ms. Goodman</p> <p>11 did not do sale submissions or reports that were</p> <p>12 submitted to the State Tax Equalization Board?</p> <p>13 A. That's my understanding.</p> <p>14 Q. Do you know, did Ms. Goodman or Ms. --</p> <p>15 Ms. Goodman, did she manage tax assessment roles?</p> <p>16 A. I don't know that.</p> <p>17 Q. Do you know, did Ms. Goodman schedule</p> <p>18 assessment appeals?</p> <p>19 A. I don't know that.</p> <p>20 Q. Did you know if Ms. Kleckner managed tax</p> <p>21 assessment roles?</p> <p>22 A. I don't know that.</p> <p>23 Q. Do you know if Ms. Kleckner scheduled</p> <p>24 assessment appeals?</p>	<p>Page 310</p> <p>1 been any less accessible working from home then in</p> <p>2 the -- in the 410 Building if they had the</p> <p>3 equipment they needed?</p> <p>4 A. No.</p> <p>5 Q. The last since sentence of this letter</p> <p>6 states -- well, I guess it's the last part of the</p> <p>7 last sentence, if they feel they are experiencing</p> <p>8 medical conditions that prohibit them from doing</p> <p>9 so, please have them complete the accompanying</p> <p>10 form for reasonable accommodations.</p> <p>11 Do you know if you sent me a reasonable</p> <p>12 accommodation with this letter?</p> <p>13 A. My understanding is yes.</p> <p>14 MS. SMITH: We're going to look at</p> <p>15 Doe Supplement 549. It's going to be 291.</p> <p>16 - - -</p> <p>17 (Doe 549 marked as Exhibit-291 for</p> <p>18 identification.)</p> <p>19 - - -</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Ms. Kutzler, do you recognize this</p> <p>22 e-mail?</p> <p>23 A. Yes.</p> <p>24 Q. This is a December 22, 2020, e-mail from</p>

<p style="text-align: right;">Page 311</p> <p>1 Ms. Toomey to you about Heather Matascavage; would 2 you agree? 3 A. Yes. 4 Q. Did you respond to this e-mail? 5 A. Not to my knowledge. 6 Q. Why not? 7 A. I would have had a conversation with Mr. 8 Roth and Mr. Bender about it before responding. 9 Q. Okay. 10 And did one of them instruct you not to 11 answer? 12 MS. PIPAK: I am going to object 13 right now to the extent your answer relates to 14 conversations you had with counsel, I'm going to 15 direct you not to answer. 16 MS. SMITH: Are you directing 17 your -- are you asserting a defense of counsel 18 privilege? 19 MR. LEES: Am I? 20 MS. SMITH: On behalf of your 21 client? 22 MR. LEES: Well, again, it's the 23 county's privilege that they're asserting. So as 24 it relates to communication she had with Attorney</p>	<p style="text-align: right;">Page 313</p> <p>1 I asked her, did she ask -- did Defendant Bender 2 or Defendant Roth instruct her not to answer. So 3 if she's -- 4 MR. LEES: Okay. And, again, I -- 5 MS. PIPAK: I will just -- let me 6 interject here. I'm looking at this again and 7 this seems to relate to the investigation done 8 with Heather and the affidavit, which I believe 9 was not related to legal advice. Is -- is that -- 10 MS. SMITH: I mean, you guys have 11 allowed all the other defendants to answer 12 regarding this, including Defendant Roth, so... 13 MS. PIPAK: Right. Okay. So 14 that's -- right. I think I am okay with her 15 answering this then. 16 BY MS. SMITH: 17 Q. You can answer. 18 A. Can you state the question again? 19 Q. Sure. 20 Did -- you said in your -- your answer 21 that before responding, you would have spoken to 22 Mr. Bender and/or Mr. Roth? 23 A. Yes. 24 Q. Did you speak with both of them?</p>
<p style="text-align: right;">Page 312</p> <p>1 Roth and the county is taking this position, I 2 don't think I can overrule their... 3 MS. SMITH: It's their privilege, 4 but it's your -- 5 MR. LEES: I understand that. 6 MS. SMITH: Right. 7 MR. LEES: And -- and I still may 8 have to address that, but for today's purposes, 9 they've raised it, so it's going to put the ball 10 in my court now to have to address that with the 11 judge if I need to. But I -- I'm not going to 12 overrule them today and allow her to testify over 13 their objections. 14 MS. SMITH: Are you asserting the 15 defense of counsel privilege, though? 16 MR. LEES: Well, again, as it 17 relates to -- read back the question. 18 --- 19 (Whereupon, last question was read back 20 by the court reporter.) 21 --- 22 MR. LEES: Well, that question 23 doesn't call -- 24 MS. SMITH: No. No. No, but then</p>	<p style="text-align: right;">Page 314</p> <p>1 A. Mr. Bender. 2 Q. Okay. 3 So you didn't even speak with Defendant 4 Roth about this? 5 A. I don't think so. 6 Q. Okay. 7 A. I don't recall. 8 Q. Okay. 9 Well, at least as it relates to 10 Defendant Bender, who you remember speaking with, 11 did he instruct you not to respond? 12 A. Yes. 13 Q. Did he tell you why? 14 A. No. 15 Q. Ms. Matascavage was still in the tax 16 assessment office in 20 -- December of 2020, 17 correct? 18 A. Yes. 19 Q. And Ms. Toomey was the chief assessor of 20 the department head at that time? 21 A. Yes. 22 Q. In the second paragraph it indicates, 23 Heather was extremely uncomfortable with the line 24 of questioning directed at her by the county and</p>

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<p>1 planned to provide a supplementary affidavit this</p> <p>2 morning when you met with her.</p> <p>3 Did -- do you know, based off the date</p> <p>4 of this e-mail and the contents of it, was that</p> <p>5 meeting -- because it's directed to you. So that</p> <p>6 meeting you had that morning with Ms. Matascavage,</p> <p>7 when that she provided -- you provided her with</p> <p>8 the affidavit or when she was providing you with a</p> <p>9 signed one back or what meeting that was?</p> <p>10 A. This was the affidavit she provided back</p> <p>11 to the county to...</p> <p>12 Q. Well -- so she -- well -- so let's</p> <p>13 clarify that.</p> <p>14 Was it the affidavit that Mr. Roth had</p> <p>15 prepared for her that she returned signed or a</p> <p>16 different one?</p> <p>17 A. I think it was a different one.</p> <p>18 Q. So there -- there was a different one</p> <p>19 provided. We can agree on that, right?</p> <p>20 A. Yes.</p> <p>21 Q. I'm just trying to figure out the</p> <p>22 timing, because Ms. Toomey's e-mail says she had</p> <p>23 planned -- and planned to provide a supplement</p> <p>24 affidavit, which to me, and I could be wrong,</p>	<p>1 you guys met with Heather, he went back and</p> <p>2 drafted the affidavit, and then he came back and</p> <p>3 she executed it; is that wrong?</p> <p>4 A. That wasn't all in the same day.</p> <p>5 Q. Okay. All right. That's fair. And I</p> <p>6 could be wrong about his testimony.</p> <p>7 A. Yeah.</p> <p>8 Q. And you just don't recall another</p> <p>9 meeting with Glenn -- with Heather and Glenn being</p> <p>10 present?</p> <p>11 A. Again, after he had completed the draft,</p> <p>12 so we met, he when and drafted it, and then we got</p> <p>13 back together to present her with it to have her</p> <p>14 execute it.</p> <p>15 Q. I thoughts you said you put it in an</p> <p>16 envelope for her?</p> <p>17 A. Yeah, I'm not remembering.</p> <p>18 Q. Okay.</p> <p>19 A. Sorry.</p> <p>20 Q. That's -- that's fair.</p> <p>21 The next sentence says: She decided to</p> <p>22 deliver it to you following the meeting.</p> <p>23 It's my understanding that she had done</p> <p>24 that. So that's, I think referencing, correct me</p>
Page 316	Page 318
<p>1 suggests that she didn't actually. She had</p> <p>2 planned to, but plan meaning she didn't do it.</p> <p>3 So I just didn't know if this was --</p> <p>4 what meeting you had with Heather on</p> <p>5 December 22nd, that's what I'm trying to figure</p> <p>6 out.</p> <p>7 A. Yeah. I don't remember that meeting.</p> <p>8 Q. Okay.</p> <p>9 Do you remember, other than the first</p> <p>10 meeting -- because the next sentence says: She,</p> <p>11 however, felt very intimidated by and</p> <p>12 uncomfortable with Glenn Roth being present.</p> <p>13 So do you know, other than the very</p> <p>14 first meeting you had with Heather with Glenn</p> <p>15 present where he -- you guys took the information</p> <p>16 down, a second one where Glenn was there?</p> <p>17 A. I am trying to remember if he was</p> <p>18 present when we had asked her to execute the</p> <p>19 affidavit that he had drafted based upon our</p> <p>20 discussions.</p> <p>21 Q. So I could be wrong, and correct me if</p> <p>22 I'm wrong, I am just trying to refresh your</p> <p>23 recollection.</p> <p>24 I believe that Mr. Roth testified that</p>	<p>1 if I am wrong, the second affidavit that Ms.</p> <p>2 Matascavage provided to you, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Is that maybe what she gave you back in</p> <p>5 an envelope?</p> <p>6 A. I think so.</p> <p>7 Q. Okay.</p> <p>8 A. Yeah.</p> <p>9 Q. So you think maybe Glenn was present in</p> <p>10 a subsequent meeting where Heather signed the</p> <p>11 affidavit that the county prepared and then she</p> <p>12 gave you, at a later time, her own affidavit in an</p> <p>13 envelope?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Ms. Toomey goes on to write that: I</p> <p>19 spoke to Heather a short time ago and she's</p> <p>20 extremely stressed and upset by the position she</p> <p>21 was put in. She came to the meeting under the</p> <p>22 impression that the county was presenting her with</p> <p>23 a solution pertaining to her request to return to</p> <p>24 tax claim.</p>



<p style="text-align: right;">Page 319</p> <p>1 In fact, I believe you communicated to</p> <p>2 her she would be relieved when she left this</p> <p>3 meeting that you arranged.</p> <p>4 Did you -- I think we talked about this</p> <p>5 earlier. Did you use the word relieved in</p> <p>6 conversations with Ms. Matascavage regarding her</p> <p>7 meeting she arranged with you?</p> <p>8 A. I remember communicating to her that I</p> <p>9 had good news.</p> <p>10 Q. Okay.</p> <p>11 And that was what you thought was her</p> <p>12 movement to the secretarial pool?</p> <p>13 A. Yes.</p> <p>14 Q. And those comments by you, the good news</p> <p>15 comment, was in a conversation scheduling a</p> <p>16 meeting with Ms. Matascavage regarding the</p> <p>17 affidavit contents, correct?</p> <p>18 A. No. Those were separate.</p> <p>19 Q. You didn't meet with Ms. Matascavage to</p> <p>20 discuss her concerns at the same time you relayed</p> <p>21 the information regarding the secretarial pool?</p> <p>22 A. Sorry. Yeah, just from a timing</p> <p>23 perspective, when she came back and I -- yeah.</p> <p>24 She would have been asked to sign the affidavit</p>	<p style="text-align: right;">Page 321</p> <p>1 MR. LEES: Same -- same objection.</p> <p>2 THE WITNESS: Sorry.</p> <p>3 MR. LEES: You can answer.</p> <p>4 THE WITNESS: Sorry. Yeah, no,</p> <p>5 that was not the intention.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. I understand it wasn't your intention,</p> <p>8 but do you understand why someone in Ms.</p> <p>9 Matascavage's position may have believed that?</p> <p>10 MR. LEES: Same objection to the</p> <p>11 form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Okay.</p> <p>15 In your time with the county, whether</p> <p>16 the first stint or the second stint, as I've been</p> <p>17 calling it, did you -- were you ever involved in</p> <p>18 the drafting of an affidavit for any other county</p> <p>19 employee?</p> <p>20 A. No.</p> <p>21 Q. Did Mr. Roth tell you why he was</p> <p>22 drafting this affidavit?</p> <p>23 A. No.</p> <p>24 Q. Did you ask him to draft it or did he</p>
<p style="text-align: right;">Page 320</p> <p>1 and then I recall discussing the options with her</p> <p>2 and that she -- because of being a member of the</p> <p>3 AFSCME, she could bid through to the secretarial</p> <p>4 pool position.</p> <p>5 Q. So let me make sure I have the timing</p> <p>6 correct.</p> <p>7 So you, her, and Glenn meet. You and</p> <p>8 Glenn get the contents -- Mr. Roth get the</p> <p>9 contents or the information to make the contents</p> <p>10 of the affidavit. You then call Heather</p> <p>11 Matascavage when the affidavit draft is ready and</p> <p>12 tell her, as I understand, I've got good news for</p> <p>13 you. And in the meeting where you have her sign</p> <p>14 the affidavit, you also inform her that the</p> <p>15 secretarial pool is an option?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Perfect. Thank you.</p> <p>18 Now, it may not have been your</p> <p>19 intention, but can you see how Ms. Matascavage</p> <p>20 might have believed that you guys were making this</p> <p>21 decision of the secretarial pool dependent on her</p> <p>22 signing of this affidavit?</p> <p>23 A. Oh --</p> <p>24 MS. PIPAK: Object to the form.</p>	<p style="text-align: right;">Page 322</p> <p>1 offer to draft it?</p> <p>2 A. He was instructed to draft it.</p> <p>3 Q. By who?</p> <p>4 A. Mr. Bender.</p> <p>5 Q. When did Mr. Bender get involved in</p> <p>6 this?</p> <p>7 A. He was brought up to speed after Glenn</p> <p>8 and I met with her.</p> <p>9 Q. That's Heather, right?</p> <p>10 A. Yes.</p> <p>11 Q. Who decided to bring Mr. Bender up to</p> <p>12 speed?</p> <p>13 A. We both agreed.</p> <p>14 Q. So after you met with Heather, there</p> <p>15 wasn't any decision about writing an affidavit at</p> <p>16 that point?</p> <p>17 A. No.</p> <p>18 Q. Then you, Mr. Roth, and Mr. Bender met?</p> <p>19 A. Yes.</p> <p>20 Q. And Mr. Bender said Glenn -- Mr. Roth,</p> <p>21 write this affidavit for her?</p> <p>22 A. Yes.</p> <p>23 Q. Did you find that odd or..?</p> <p>24 A. No.</p>

<p style="text-align: right;">Page 323</p> <p>1 Q. No.</p> <p>2 If I told you that Mr. Roth and his time</p> <p>3 as a solicitor for the county had never written</p> <p>4 and affidavit for another employee, would you find</p> <p>5 it odd that Mr. Bender instructed him to write</p> <p>6 this one?</p> <p>7 A. Yes.</p> <p>8 Q. Did Mr. Bender say why he wanted Mr.</p> <p>9 Roth to write this affidavit?</p> <p>10 A. No.</p> <p>11 MS. SMITH: Can we take a quick</p> <p>12 five-minute break? Go off the record.</p> <p>13 VIDEOGRAPHER: The time is now</p> <p>14 3:00 p.m. and we're going off the record.</p> <p>15 ---</p> <p>16 (Whereupon, brief recess was held off</p> <p>17 the record.)</p> <p>18 ---</p> <p>19 VIDEOGRAPHER: The time is now</p> <p>20 3:07 p.m. and we're back on the record.</p> <p>21 MS. SMITH: I just want to put on</p> <p>22 the record that Jane Doe 2, Melissa Goodman, did</p> <p>23 join for observation, the Zoom for observational</p> <p>24 purposes.</p>	<p style="text-align: right;">Page 325</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Do you recognize that document?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 And what is that document?</p> <p>6 A. Declaration of Heather Matascavage.</p> <p>7 Q. Is that what Ms. Matascavage provided to</p> <p>8 you, that second affidavit, I think, as you termed</p> <p>9 it earlier?</p> <p>10 A. Yes, it appears to be.</p> <p>11 Q. That we think was in the envelope?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 So you did receive this at some point</p> <p>15 during your employment on or around December of</p> <p>16 2021 with the county, right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 What, if anything, did you do after</p> <p>20 receiving this declaration from Ms. Matascavage?</p> <p>21 A. I took it to -- I don't know if I took</p> <p>22 it to Mr. Roth or Mr. Bender.</p> <p>23 Q. Okay.</p> <p>24 At some point, did you take it to Mr.</p>
<p style="text-align: right;">Page 324</p> <p>1 All right. Matt, if we can put 72 on</p> <p>2 the screen, Exhibit-72.</p> <p>3 ---</p> <p>4 (Previously marked Exhibit-72)</p> <p>5 ---</p> <p>6 BY MS. SMITH:</p> <p>7 Q. And, Ms. Kutzler, you do have it there</p> <p>8 in front of you.</p> <p>9 Do you recognize this document?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 And is that the affidavit that Ms.</p> <p>13 Matascavage signed during that meeting with you</p> <p>14 and Mr. Roth and her?</p> <p>15 A. Yes.</p> <p>16 MS. SMITH: Okay. Put that one</p> <p>17 aside.</p> <p>18 And then, Matt, if we can project Doe</p> <p>19 7 through 10. I don't have copies. It's going to</p> <p>20 be Exhibit-292.</p> <p>21 ---</p> <p>22 (Doe 7-10 marked as Exhibit-292 for</p> <p>23 identification.)</p> <p>24 ---</p>	<p style="text-align: right;">Page 326</p> <p>1 Bender?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 What was Mr. Bender's response?</p> <p>5 A. He wasn't happy.</p> <p>6 Q. How do you know that?</p> <p>7 A. Well, he expressed frustration and</p> <p>8 determined that the affidavit as it was previously</p> <p>9 executed by Ms. Matascavage, was a void document.</p> <p>10 Q. Did Mr. Bender get visibly angry?</p> <p>11 A. No.</p> <p>12 Q. Did he get loud?</p> <p>13 A. A little.</p> <p>14 Q. When you say he expressed frustration,</p> <p>15 what does that mean to you; like what did you</p> <p>16 observe?</p> <p>17 A. That he rolled his eyes. He did that a</p> <p>18 lot. And really just expressed the fact that, you</p> <p>19 know, he -- we couldn't -- you keep the document,</p> <p>20 the other affidavit, in relation to this rebuttal.</p> <p>21 Q. Okay.</p> <p>22 So correct me if I wrong, basically that</p> <p>23 you couldn't take any action, the county couldn't</p> <p>24 take any action, given that there was now two</p>

<p>Page 327</p> <p>1 competing, kind of, affidavits?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 Do you know, did Mr. Bender ever speak</p> <p>5 with Ms. Matascavage himself?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. Why, if you know, was he so sure -- Mr.</p> <p>8 Bender so sure that the first one was the correct</p> <p>9 version of events?</p> <p>10 A. I think based upon Ms. Matascavage's</p> <p>11 demeanor when she met with Mr. Roth and myself.</p> <p>12 Q. For the first time or the second time?</p> <p>13 A. Both times.</p> <p>14 Q. Okay.</p> <p>15 What was her demeanor like the first</p> <p>16 time?</p> <p>17 A. She was crying. She was upset. She was</p> <p>18 shaking visibly, physically.</p> <p>19 Q. What was her demeanor like the second</p> <p>20 time?</p> <p>21 A. She was more scared.</p> <p>22 Q. Scared of what?</p> <p>23 A. I don't know.</p> <p>24 Q. Okay.</p>	<p>Page 329</p> <p>1 Q. In 14, Ms. Matascavage states that after</p> <p>2 accompanying Ms. Goodman on two field visits, I</p> <p>3 informed my supervisor, Angela Toomey and Ms.</p> <p>4 Gerchak, that the training with Ms. Goodman was</p> <p>5 not a productive learning environment for me and</p> <p>6 requested that I no longer do field visits with</p> <p>7 Ms. Goodman.</p> <p>8 And then in 15 she states: Ms. Toomey</p> <p>9 and Ms. Gerchak approved my request and I never</p> <p>10 went back out.</p> <p>11 That didn't change from your first</p> <p>12 meeting with her, Ms. Matascavage -- your first</p> <p>13 meeting with Ms. Matascavage, right?</p> <p>14 A. The statement in 14?</p> <p>15 Q. And 15.</p> <p>16 A. To my knowledge, no.</p> <p>17 Q. Right.</p> <p>18 So, I guess my question more clearly is:</p> <p>19 Ms. Matascavage in your first meeting with her</p> <p>20 with Mr. Roth when you gained the information for</p> <p>21 the affidavit, she had told you that she went to</p> <p>22 her supervisor, Ms. Toomey and Ms. Gerchak --</p> <p>23 A. Yes.</p> <p>24 Q. -- about Ms. Goodman's driving?</p>
<p>Page 328</p> <p>1 Well, in Paragraph 2 of this</p> <p>2 declaration, so Exhibit-292, Ms. Matascavage</p> <p>3 indicates that Melissa Goodman appeared all over</p> <p>4 the place, was driving erratically, indicated that</p> <p>5 she believed she was being followed, that didn't</p> <p>6 change from what she had told you -- Ms.</p> <p>7 Matascavage had told you from the first</p> <p>8 conversation with her, right?</p> <p>9 A. Correct.</p> <p>10 Q. Okay.</p> <p>11 And -- but then she writes in Paragraph</p> <p>12 13, she has since learned that Ms. Goodman</p> <p>13 experienced significant sexual harassment and</p> <p>14 retaliation and stalking, which understandably</p> <p>15 could have been the cause of her behavior.</p> <p>16 Any reason to disagree that if someone</p> <p>17 had experienced those things, they would exhibit</p> <p>18 the type of behavior that Ms. Matascavage</p> <p>19 observed?</p> <p>20 A. No.</p> <p>21 MS. SMITH: Matt, can you scroll</p> <p>22 down for me. Hold on. Go back up. I need to</p> <p>23 look at 14. Yep. Perfect. Right there.</p> <p>24 BY MS. SMITH:</p>	<p>Page 330</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And did she, in that meeting, also tell</p> <p>4 you that they had told her, you don't have to go</p> <p>5 back out with Ms. Goodman then?</p> <p>6 A. She did not convey that to me.</p> <p>7 Q. Did you ask her what their response was?</p> <p>8 A. Yes.</p> <p>9 Q. And what did she say?</p> <p>10 A. I don't remember her saying there that</p> <p>11 was a response to her not going -- not having to</p> <p>12 go back out on the road with her.</p> <p>13 Q. Sorry. Let me make sure I understand</p> <p>14 you.</p> <p>15 Did she say that she told Ms. Toomey and</p> <p>16 Ms. Gerchak about Ms. Goodman's driving?</p> <p>17 A. She did.</p> <p>18 Q. Did she say if they responded to her?</p> <p>19 A. She said that they had conversations,</p> <p>20 but she also did not say that they told her she</p> <p>21 didn't have to go back out with Ms. Goodman.</p> <p>22 Q. Did you ask her what the contents of the</p> <p>23 conversations were?</p> <p>24 A. Yes. To what extent they had the</p>

<p>Page 331</p> <p>1 conversations and what support she was getting</p> <p>2 from the two of them.</p> <p>3 Q. Okay.</p> <p>4 Did you ask her if she had to go back</p> <p>5 out with Ms. Goodman since then?</p> <p>6 A. I did not.</p> <p>7 Q. Okay.</p> <p>8 So it could be that they told her -- she</p> <p>9 didn't tell you anything in the first meeting that</p> <p>10 would contradict 15, is what I'm trying to find</p> <p>11 out?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Okay.</p> <p>14 So that could have happened, it just</p> <p>15 didn't get delved into during the first meeting?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 The next for Paragraph 15 states: Ms.</p> <p>19 Toomey then instructed Chrissy -- Chrissy</p> <p>20 Zimmerman to continue my field visit training.</p> <p>21 Do you know if that was true or not</p> <p>22 true?</p> <p>23 A. I don't know.</p> <p>24 Q. Okay.</p>	<p>Page 333</p> <p>1 CBA, collective bargaining agreement.</p> <p>2 Q. But that was as it relates to the</p> <p>3 transfer, right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 But -- so I'm asking, did you speak with</p> <p>7 Ms. Matascavage about her assertion in this</p> <p>8 declaration that there was a hostile work</p> <p>9 environment in the assessment office?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. I don't know.</p> <p>13 Q. In '22, Ms. Matascavage asserts that she</p> <p>14 felt uncomfortable discussing certain things with</p> <p>15 you.</p> <p>16 Did you ask her -- ever ask her why?</p> <p>17 A. Which item?</p> <p>18 Q. Twenty-two.</p> <p>19 A. No.</p> <p>20 MS. SMITH: Can you scroll for me,</p> <p>21 Matt, so I can see 26. If we can scroll a little</p> <p>22 further too, Matt. We are going to look at Doe</p> <p>23 Supplement 571 and 572, which will be 293. 293</p> <p>24 for today's purposes.</p>
<p>Page 332</p> <p>1 That wasn't something that was delved</p> <p>2 into in that first meeting?</p> <p>3 A. No.</p> <p>4 Q. After you received this declaration, so</p> <p>5 the one that's in front of you, did you speak with</p> <p>6 Ms. Toomey and Ms. Gerchak or Ms. Zimmerman to</p> <p>7 find out if that course of events was accurate?</p> <p>8 A. No.</p> <p>9 MS. SMITH: Matt, if you can scroll</p> <p>10 for me so I can see 17.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. If we look to Paragraph 20, she states:</p> <p>13 Around November 2020, I approached my direct</p> <p>14 supervisor, Angela Toomey, and requested a</p> <p>15 transfer out of the assessment office due to the</p> <p>16 hostile work environment that was occurring</p> <p>17 because of other employees reporting unlawful</p> <p>18 comments and conduct.</p> <p>19 Did you speak with Ms. Matascavage about</p> <p>20 this allegation or assertion in Paragraph 20,</p> <p>21 after you received this declaration?</p> <p>22 A. I remember having a conversation with</p> <p>23 Ms. Toomey and outlining with her the steps that</p> <p>24 need to be taken by Ms. Matascavage base upon for</p>	<p>Page 334</p> <p>1 - - -</p> <p>2 (Doe 571-572 marked as Exhibit-293 for</p> <p>3 identification.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. This is an e-mail chain between you and</p> <p>7 Ms. Toomey in early January 2021. Would you</p> <p>8 agree?</p> <p>9 A. Yes.</p> <p>10 Q. If we look to the -- chronologically the</p> <p>11 earliest e-mail on the second page, it's from a --</p> <p>12 January 7th at 2:42 p.m. e-mail from Angela to</p> <p>13 you.</p> <p>14 She states: I'm not sure if MIS is</p> <p>15 still working on set up for Marcy and Missy. I</p> <p>16 gave the key -- here, we got his name -- I gave</p> <p>17 the keys to Paul Fetterolf last week so that the</p> <p>18 offices could be cleaned. He passed them on to</p> <p>19 Stan at MIS so that the printers and additional</p> <p>20 monitors could be set up.</p> <p>21 Any reason to believe that Marcy and</p> <p>22 Missy's offices in the 410 Building had already</p> <p>23 been cleaned January 7th and that the printers and</p> <p>24 monitors -- additional monitors were set up? Any</p>

<p>Page 335</p> <p>1 reason to question the contents of this e-mail, is 2 really what I'm asking? 3 A. No. 4 Q. Okay. 5 So fair to say then as of January 7th, 6 offices still had not been cleaned and printers 7 and additional monitors had not been installed? 8 A. They were cleaned. But, again, the -- I 9 don't think Stan had the monitors and everything 10 set up until the -- on the 11th when they came to 11 work on the -- at the 410 Building. 12 Q. Say that last part again. You don't 13 think he had the monitors and printers set up 14 until when? 15 A. That Monday, January 11th. 16 Q. Okay. 17 In the last sentence of that paragraph 18 it says: I just want ed to let you know that 19 we've heard nothing from anyone regarding whether 20 or not the offices are ready. 21 Was there any communication between 22 December 8th and January 7th about what was going 23 on with those offices? 24 A. I don't think directly with Ms. Toomey</p>	<p>Page 337</p> <p>1 A. Yes. 2 Q. Did Mr. Bender authorize you to respond 3 to this one? 4 A. That was just a general question from my 5 perspective, to determine whether or not they were 6 working from home. 7 Q. Okay. 8 So do you know if you discussed Ms. 9 Toomey's initial e-mail before you sent your 10 response e-mail -- 11 A. No -- 12 Q. -- with Mr. Bender? 13 A. We did not. 14 Q. Okay. 15 So you just felt it was -- as HR 16 director, this was an acceptable question to be 17 asked? 18 A. Yeah. In general to determine whether 19 or not they were still working from home. 20 Q. But you -- even if they had been working 21 from home, you agree that they didn't have the 22 necessary equipment to adequately performing their 23 job duties? 24 A. Correct.</p>
<p>Page 336</p> <p>1 or Ms. Gerchak or Ms. Kleckner or Goodman. 2 Q. Okay. 3 Why wasn't there any communication or 4 update for them? 5 A. I was working through getting the 6 maintenance guys to show up. And then also with 7 Mr. Nester regarding the IT equipment. 8 Q. Again, at this point, January 7, 2021, 9 there was still no new laptop for Ms. Goodman -- 10 Ms. Kleckner, no laptop for Ms. Goodman, or 11 computers of any sort and no printers at their 12 homes, correct? 13 A. Correct. 14 Q. And Mr. Halcovage was still continuing 15 to refuse to work from a different location than 16 the courthouse? 17 A. Correct. 18 Q. You respond on January 7th, it's on the 19 first page: Thanks for the update regarding the 20 STEB backlog. Have they not been working from 21 home since they raised their concerns back in 22 December. 23 So -- so you're responding to Ms. Toomey 24 about STEB; would you agree?</p>	<p>Page 338</p> <p>1 Q. Okay. 2 And so did you understand that the 3 ability for Marcy Kleckner to adequately perform 4 her job duties, meaning STEB, she didn't have the 5 necessary equipment to do so? 6 A. Well -- 7 MR. LEES: Just note my objection 8 to the form. 9 MS. PIPAK: Objection to the form. 10 Go ahead. 11 MR. LEES: Go ahead. 12 THE WITNESS: Yeah. I -- I think, 13 again, while it was difficult and it was 14 cumbersome and it was at times very complicated, 15 it -- she still had the ability to do the work. 16 BY MS. SMITH: 17 Q. So I want to just kind of parse that out 18 a little bit. 19 The ability to do the work means that 20 the work can still be done. But did you believe 21 that she had the ability to do the work and meet 22 the deadlines as required by the state? 23 A. I think there were challenges that she 24 faced in that regard.</p>



<p>Page 339</p> <p>1 Q. Were there -- were the challenges so 2 much so that she might not have met some of those 3 deadlines? 4 A. I can't speak to that. 5 Q. Okay. 6 And, I mean, that's kind of fair, you 7 didn't -- you've never done a STEB report, right? 8 A. Yeah. 9 Q. You've never -- 10 A. I don't even know what it looks like, to 11 be honest with you. 12 Q. Okay. That's completely fair. 13 So is it possible then that Ms. Kleckner 14 could have had such obstacles or difficulties, 15 given her lack of equipment, that she wasn't able 16 to meet the state deadlines? 17 A. Perhaps. 18 Q. Ms. Toomey responds to you and says: 19 Marcy can't do the STEB reports from home, which 20 is why I ask that she be able to come into the 21 office. 22 But they -- she goes on to talk about 23 the 410 Building. 24 Did you ever respond to this e-mail?</p>	<p>Page 341</p> <p>1 No, we are just going to look at that 2 one. 3 Was a similar e-mail -- sorry -- a 4 similar letter sent to Ms. Goodman as well? 5 A. Yes. 6 Q. Okay. 7 Probably identical, except for the 8 biographical? 9 A. Yes. 10 Q. Looking at -- who drafted this letter? 11 Actually, let's start with that. 12 A. Who drafted it? 13 Q. Yes. 14 A. I did. 15 Q. Did anyone review it, approve it -- or 16 approve it before you sent it to Ms. Kleckner and 17 Ms. Goodman? 18 A. Not to my knowledge. 19 Q. In Paragraph -- the one that -- there's 20 Paragraphs 1, 2, 3. 21 A. Yes. 22 Q. In that first one it says: Providing 23 individuals secure office space at the county's 24 410 Building.</p>
<p>Page 340</p> <p>1 A. No. 2 MS. SMITH: Actually, just briefly, 3 Matt, if you can scroll down just a tiny bit. 4 Right -- perfect. Right there. 5 BY MS. SMITH: 6 Q. In your e-mail to Ms. Toomey, you 7 indicate a letter was just sent to both Marcy and 8 Missy regarding their pending return. 9 Do you see that? 10 A. Yes. 11 Q. You can put that one aside. 12 MS. SMITH: We're going to look at 13 what was previously marked Exhibit-17. 14 - - - 15 (Previously marked Exhibit-17) 16 - - - 17 BY MS. SMITH: 18 Q. Is this that letter that you were 19 referencing that had been sent to Ms. Kleckner? 20 A. Yes. 21 Q. Okay. 22 I am also going to put in front of you 23 Exhibit -- actually, hold on one second. I 24 apologize.</p>	<p>Page 342</p> <p>1 We discussed this a little bit before. 2 Ms. Kleckner's office was not secure. Was it? 3 MR. LEES: Objection to form. 4 You can answer. 5 THE WITNESS: She would have had to 6 keep her door closed and locked. 7 BY MS. SMITH: 8 Q. Okay. 9 The second one says: Hire a qualified 10 cleaning company, your office has been 11 professionally washed and disinfected. 12 That's not accurate either, is it? 13 A. Correct. 14 Q. And then finally, providing a dedicated 15 printer, which as been installed by the county's 16 MIS department. 17 As of the date of this letter, that was 18 not accurate, was it? 19 A. Again, I thought that they had installed 20 and taken care of the IT equipment between 21 Christmas and New Years. 22 Q. And then I thought you said you thought 23 when they got -- 24 A. It may have been on the 3rd when we got</p>

<p style="text-align: right;">Page 343</p> <p>1 back from the New Year's holiday.</p> <p>2 Q. I thought you just testified that when</p> <p>3 you went there on the 11th, they were installing</p> <p>4 the printers?</p> <p>5 A. They were moving equipment on the 11th,</p> <p>6 I know that.</p> <p>7 Q. Okay.</p> <p>8 A. I don't remember if it was the printers</p> <p>9 themselves.</p> <p>10 Q. Okay.</p> <p>11 MS. SMITH: We are going to look to</p> <p>12 previously marked Exhibit-111.</p> <p>13 - - -</p> <p>14 (Previously marked Exhibit-111.)</p> <p>15 - - -</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Do you recognize this chain of e-mails?</p> <p>18 A. Yes.</p> <p>19 Q. And let me turn to the second page.</p> <p>20 MS. PIPAK: Wait. Can we -- can we</p> <p>21 just take a second and let me review this. Okay.</p> <p>22 I know we've had this issue before, but I am going</p> <p>23 to call this back. I was not aware of this and</p> <p>24 just the top part. You can ask her about the</p>	<p style="text-align: right;">Page 345</p> <p>1 MS. SMITH: Oh, it was Zula. Oh,</p> <p>2 that makes sense. It might have been Zula's.</p> <p>3 VIDEOGRAPHER: I have it as Heidi</p> <p>4 Zula's Volume 1.</p> <p>5 MS. SMITH: Thank you, Matt.</p> <p>6 MS. PIPAK: I just want to look at</p> <p>7 something.</p> <p>8 MS. SMITH: All right. We can just</p> <p>9 go off the record then for a couple minutes.</p> <p>10 VIDEOGRAPHER: The time is now</p> <p>11 3:30 p.m. and we're going off the record.</p> <p>12 - - -</p> <p>13 (Whereupon, brief recess was held off</p> <p>14 the record.)</p> <p>15 - - -</p> <p>16 VIDEOGRAPHER: The time is now</p> <p>17 3:36 p.m. and we're back on the record.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. You should still have 111 in front of</p> <p>20 you, correct, Ms. Kutzler?</p> <p>21 A. Yes.</p> <p>22 MS. SMITH: And, Matt, if you can</p> <p>23 put that back up on the screen. Thank you.</p> <p>24 BY MS. SMITH:</p>
<p style="text-align: right;">Page 344</p> <p>1 bottom, but I think see this as attorney-client</p> <p>2 privilege.</p> <p>3 MS. SMITH: Okay. Well, I'm going</p> <p>4 to -- the same issue with the call back, this had</p> <p>5 been marked in -- that the DOJ raised. This has</p> <p>6 been marked --</p> <p>7 MS. PIPAK: Oh, this is the same --</p> <p>8 oh, this is the same exhibit. Right. So --</p> <p>9 and -- and we -- didn't we send a supplement</p> <p>10 exhibit on this as to the top part?</p> <p>11 MS. SMITH: I don't know, but I</p> <p>12 don't believe that you're entitled to a call back</p> <p>13 as it was an exhibit, it was questioned on, and it</p> <p>14 was well beyond the time that you were permitted</p> <p>15 to -- I believe permitted to --</p> <p>16 MS. PIPAK: Okay. When was this --</p> <p>17 when was this an exhibit?</p> <p>18 MS. SMITH: 111, so --</p> <p>19 MS. PIPAK: Okay. I'll let her --</p> <p>20 MS. SMITH: Probably Bender's or</p> <p>21 Roth's would be guess. I am going to guess Bender</p> <p>22 because 111 was probably much later than Roth.</p> <p>23 MS. PIPAK: This was Zula's</p> <p>24 exhibit.</p>	<p style="text-align: right;">Page 346</p> <p>1 Q. Did anyone -- and if it was an attorney,</p> <p>2 I don't want to know the contents, did anyone tell</p> <p>3 you what to write in your e-mail which you</p> <p>4 forwarded to the individuals which you sent this</p> <p>5 to?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 In the second paragraph you say: I did</p> <p>9 mention to Gary that the cleaning by SERVPRO was</p> <p>10 not as good as we had hoped.</p> <p>11 I thought SERVPRO didn't do any</p> <p>12 cleaning?</p> <p>13 A. Yeah, I don't remember them doing a</p> <p>14 cleaning.</p> <p>15 Q. Okay.</p> <p>16 A. I may have meant the maintenance</p> <p>17 department.</p> <p>18 Q. Okay.</p> <p>19 And typos happens, that's just why I am</p> <p>20 asking you some of these questions.</p> <p>21 You state: We could certainly go over</p> <p>22 the offices again and have -- go over the office</p> <p>23 again and have maintenance look at the desk drawer</p> <p>24 that is referenced in the e-mail.</p>

<p>Page 347</p> <p>1 When you say go over the office again,</p> <p>2 did that mean a cleaning?</p> <p>3 A. Another cleaning.</p> <p>4 Q. Okay.</p> <p>5 So had you done one yet as of</p> <p>6 January 13, 2021?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 You admit that at least one of the</p> <p>10 office drawers in Ms. Goodman's office was broken?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 The next paragraph states in -- for the</p> <p>14 ceiling tiles, it is possible to switch them</p> <p>15 out -- is it possible to switch them out from</p> <p>16 another office in human services.</p> <p>17 Did you think that the tile -- ceiling</p> <p>18 tiles were in a condition that they should be in</p> <p>19 any office that an employee of the county worked</p> <p>20 in?</p> <p>21 A. Well, what I mean by that was taking</p> <p>22 tiles from the other office and replacing them,</p> <p>23 not technically switching them.</p> <p>24 Q. Okay.</p>	<p>Page 349</p> <p>1 to get it to a level where it was an office that</p> <p>2 could be occupied was -- yeah.</p> <p>3 Q. So you were frustrated and just kind of</p> <p>4 out frustration, that word was used?</p> <p>5 A. Yes.</p> <p>6 Q. So if you were frustrated, could you</p> <p>7 understand how the four plaintiffs could be</p> <p>8 frustrated?</p> <p>9 A. Sure.</p> <p>10 Q. So as of -- so January -- this e-mail is</p> <p>11 from January 13th and you had met with them on --</p> <p>12 the plaintiffs on January 11th for the 410</p> <p>13 Building, correct?</p> <p>14 A. Yes.</p> <p>15 Q. So were they back in the 410 Build, Ms.</p> <p>16 Goodman and Ms. Kleckner?</p> <p>17 A. Yes.</p> <p>18 Q. As of January 11th?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 MS. SMITH: Going to show you</p> <p>22 what's previously marked Exhibit-61.</p> <p>23 - - -</p> <p>24 (Previously marked Exhibit-61.)</p>
<p>Page 348</p> <p>1 A. But at least replacing them with more</p> <p>2 appropriate tiles or better-conditioned tiles.</p> <p>3 Q. Okay.</p> <p>4 And then leaving the other office</p> <p>5 without tiles?</p> <p>6 A. Yeah.</p> <p>7 Q. Like an unoccupied office or something?</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. All right.</p> <p>10 The next sentence says: At least they</p> <p>11 won't be stained and we will give them one less</p> <p>12 item to complain about.</p> <p>13 Did you believe that the women -- the</p> <p>14 plaintiffs were complaining?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 Why did you use that word?</p> <p>18 A. Just based upon the list of items and</p> <p>19 for the -- it was frustrating for me because I was</p> <p>20 trying to get the offices cleaned and I kept</p> <p>21 running into -- they weren't dead ends they were</p> <p>22 more roadblocks because I didn't have SERVPRO and</p> <p>23 that failed me. And then to have multiple</p> <p>24 conversations with the maintenance guys in order</p>	<p>Page 350</p> <p>1 - - -</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Do you recognize this e-mail?</p> <p>4 A. Yes.</p> <p>5 Q. And this is a January 13 e-mail --</p> <p>6 January 13, 2021, e-mail from Ms. Toomey to you</p> <p>7 regarding an incident with Melissa Goodman,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. Did you respond to this e-mail?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Okay.</p> <p>13 And I -- this is around the time that</p> <p>14 Ms. Zula came on board with the county, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 So let's discuss that one for a little</p> <p>18 bit.</p> <p>19 When was Ms. Zula's official start date</p> <p>20 with the county, if you remember?</p> <p>21 A. Monday, January 11th.</p> <p>22 Q. Okay.</p> <p>23 What was your understanding of what your</p> <p>24 role or duties -- how your role or duties changed</p>

<p>Page 351</p> <p>1 once she, Ms. Zula, began with the county?</p> <p>2 A. It was determined upon her start date</p> <p>3 that there would be a transfer of knowledge, get</p> <p>4 her up to speed, let her know what was taking</p> <p>5 place with the harassment case, any day-to-day</p> <p>6 operations, contract negotiations, and</p> <p>7 commissioners' meeting because of the presentation</p> <p>8 of the PAR report and the salary board reports.</p> <p>9 Q. Okay.</p> <p>10 So when Ms. Zula -- when the county</p> <p>11 decided to hire Ms. Zula, was it at that time or a</p> <p>12 different time that an end date was kind of set</p> <p>13 for your contract with -- or Hubric's contract</p> <p>14 with the county?</p> <p>15 A. Yeah. So at the -- simultaneously, it</p> <p>16 was determined that I would administer and present</p> <p>17 anti-harassment and non-discrimination training.</p> <p>18 So I would move out of the role of the interim HR</p> <p>19 director and then present the in-person and</p> <p>20 virtual training to all employees of the county.</p> <p>21 Q. Okay.</p> <p>22 So would you continue to provide what</p> <p>23 I'll call day-to-day HR services or just this</p> <p>24 harassment training presentation?</p>	<p>Page 353</p> <p>1 interviews with. And then we narrowed it down to,</p> <p>2 I think it was, three individuals that came in and</p> <p>3 met with Mr. Bender, Mr. Roth, Lisa Mayhall, and</p> <p>4 Ms. Gilbert from mental health and development --</p> <p>5 developmental services. And then those</p> <p>6 individuals were then asked to return as final</p> <p>7 candidates for consideration of the role and they</p> <p>8 met with the commissioners.</p> <p>9 Q. Okay.</p> <p>10 So the Indeed posting who drafted that?</p> <p>11 A. I did.</p> <p>12 Q. Did anyone review it, approve it before</p> <p>13 it was posted?</p> <p>14 A. No, not to my knowledge.</p> <p>15 Q. Okay.</p> <p>16 And then as I understand, there were a</p> <p>17 number of applications received by the county?</p> <p>18 A. Yes.</p> <p>19 Q. And I think you said -- so you did some</p> <p>20 initial interviews where you, it sounded like,</p> <p>21 weeded out a few candidates?</p> <p>22 A. Correct.</p> <p>23 Q. Then once they got past you, they went</p> <p>24 to essentially a second interview --</p>
<p>Page 352</p> <p>1 A. I -- I continued working with Heidi for</p> <p>2 about four weeks, four to five weeks on a</p> <p>3 day-to-day basis as we were also building the</p> <p>4 training platform, which is a platform that we</p> <p>5 used at another client that was approved by the</p> <p>6 EEOC.</p> <p>7 Q. Okay.</p> <p>8 So there was about, if I understand,</p> <p>9 four to five weeks of a transfer of knowledge</p> <p>10 where you kind -- you were transferring knowledge</p> <p>11 to Ms. Zula from you, but you were also</p> <p>12 transferring into doing more just sexual</p> <p>13 harassment presentations for the county?</p> <p>14 A. I was conducting the training, yes.</p> <p>15 Q. Okay.</p> <p>16 When Ms. Zula was hired by the county,</p> <p>17 were you involved in that at all?</p> <p>18 A. Yes.</p> <p>19 Q. Tell me what happened, how that went</p> <p>20 with finding a non-contract HR director.</p> <p>21 A. So there's job postings that were put</p> <p>22 out on Indeed and LinkedIn. And based upon the</p> <p>23 resumes received, there were four or five</p> <p>24 candidates that I had conducted prescreening</p>	<p>Page 354</p> <p>1 A. Correct.</p> <p>2 Q. -- with you, Mr. Roth, Mr. Bender, Lisa</p> <p>3 Mayhall, and Elaine Gilbert?</p> <p>4 A. Yes.</p> <p>5 Q. Those are the five? Okay.</p> <p>6 Elaine Gilbert is the benefits</p> <p>7 administrator for the county; is that --</p> <p>8 A. No. She's the director of mental health</p> <p>9 and developmental services.</p> <p>10 Q. Why was she involved in the interview</p> <p>11 process of an HR director?</p> <p>12 A. She's part of the interviewing</p> <p>13 committee.</p> <p>14 Q. Okay.</p> <p>15 There's a committee for interview?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 How does one, if you know, get on that?</p> <p>19 A. I don't know that.</p> <p>20 Q. Okay.</p> <p>21 And so was Mayhall also part of that</p> <p>22 committee?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>

<p>Page 355</p> <p>1 Were there any candidates that didn't</p> <p>2 make it through that level of interviewing, that</p> <p>3 you didn't send on to the commissioners?</p> <p>4 A. One candidate that I remember.</p> <p>5 Q. Okay.</p> <p>6 And what about the one -- the first</p> <p>7 level where you conducted it, did anyone not make</p> <p>8 it past that to the next --</p> <p>9 A. There were four or five.</p> <p>10 Q. Okay.</p> <p>11 So those individuals, the four or five</p> <p>12 for the solo level with you, they weren't ever</p> <p>13 considered for employment --</p> <p>14 A. No.</p> <p>15 Q. -- past that?</p> <p>16 A. Correct.</p> <p>17 Q. Then there was the five-panel committee</p> <p>18 and there was some -- at least one that didn't</p> <p>19 get -- one applicant who didn't get through and</p> <p>20 wasn't considered for employment?</p> <p>21 A. Correct.</p> <p>22 Q. And then there was how many that were</p> <p>23 submitted to the commissioners?</p> <p>24 A. Two.</p>	<p>Page 357</p> <p>1 A. In -- those were -- those were</p> <p>2 discussions between myself and Mr. Bender.</p> <p>3 Q. Okay.</p> <p>4 And were you in agreement with Mr.</p> <p>5 Bender's -- did he pick a number? Did you pick a</p> <p>6 number? Did you kind of -- what happened?</p> <p>7 A. I gave him a starting point and we</p> <p>8 negotiated from there.</p> <p>9 Q. Was your number higher than -- did he</p> <p>10 negotiate you down?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. The commissioners ultimately were</p> <p>14 involved in the decision of what her salary would</p> <p>15 be as well.</p> <p>16 Q. But it went to them with a number in</p> <p>17 mind and then they decided?</p> <p>18 A. Yes.</p> <p>19 Q. Or were they involved in that --</p> <p>20 negotiations with Bender and you?</p> <p>21 A. So I -- I made a recommendation to Mr.</p> <p>22 Bender and then he had discussions with the three</p> <p>23 commissioners. And then we got back together</p> <p>24 collectively and talked through the justification</p>
<p>Page 356</p> <p>1 Q. Two.</p> <p>2 Ms. Zula and one other --</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who that was?</p> <p>5 A. First name is David.</p> <p>6 Q. Okay.</p> <p>7 Do you know -- have any knowledge as to</p> <p>8 why the commissioners selected Ms. Zula?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 The commissioners correctively, as you</p> <p>12 understand, selected Ms. Zula and then I guess</p> <p>13 instructed someone to do a PAR for her?</p> <p>14 A. Yes. So through the hiring process,</p> <p>15 once the individual has been approved, there is a</p> <p>16 PAR that's completed and then it goes to the</p> <p>17 commissioners' meeting for appointment.</p> <p>18 Q. Okay.</p> <p>19 Do you know who completed the PAR for</p> <p>20 Ms. Zula?</p> <p>21 A. I think I did.</p> <p>22 Q. Okay.</p> <p>23 Do you know who decided how much Ms.</p> <p>24 Zula -- what her salary would be?</p>	<p>Page 358</p> <p>1 of what it would be.</p> <p>2 Q. And did he, during that justification</p> <p>3 discussion, explain to you that the commissioners</p> <p>4 didn't want to pay her what you had suggested?</p> <p>5 A. Correct.</p> <p>6 Q. What, if anything, did you share with</p> <p>7 Ms. Zula concerning the plaintiffs and their</p> <p>8 allegations against the county and claims against</p> <p>9 the county when she started?</p> <p>10 A. Ms. Zula and I had conversations</p> <p>11 regarding the transition of them working from home</p> <p>12 to the 410 Building and really trying to make that</p> <p>13 as successful as possible.</p> <p>14 Q. Did you make it known to her that you</p> <p>15 thought they could have worked from home just as</p> <p>16 effectively as at the 410 building?</p> <p>17 A. Yes.</p> <p>18 Q. And what was her response to that?</p> <p>19 A. She didn't disagree.</p> <p>20 Q. Okay.</p> <p>21 And was Ms. Zula provided by you or, if</p> <p>22 you know, by anyone else, with a copy of Ms.</p> <p>23 Twigg's -- the report by Ms. Twigg that you had</p> <p>24 seen?</p>



<p style="text-align: right;">Page 359</p> <p>1 A. Again, she was made aware of the file 2 drawer in which those documents were stored. And 3 I think she took it upon herself at some point -- 4 not while at work, I don't think, to review the 5 files. 6 Q. Okay. 7 So you think she took that file home 8 with her? 9 A. I don't know if she took it home. 10 Q. Okay. 11 A. But between the hours of -- the 12 respective hours between 8:30 and 4:30. She had a 13 tendency to work late into the evening. 14 Q. All right. 15 So at least as very early as 16 January 13th, so just two days after Ms. Zula gets 17 hired, you're still dealing with and responding to 18 some day-to-day operational for personnel issues; 19 would that be fair to say? 20 A. Yes. 21 Q. Okay. 22 And I'm sorry if I asked you this 23 question: Did can you respond to this e-mail? 24 A. I don't remember.</p>	<p style="text-align: right;">Page 361</p> <p>1 if one was prepared for Ms. Matascavage, wouldn't 2 it only make sense that one would be prepared for 3 Ms. Goodman? 4 A. Well, I think that the situation with 5 Ms. Matascavage was two employees in a vehicle 6 together. This was two individuals out on the 7 highway. 8 Q. Well, Ms. Goodman was out on the highway 9 in her capacity as a county employee, correct? 10 A. Oh, okay. Yeah. Yeah. 11 Q. I mean, she was, right? 12 A. She was, yeah. 13 Q. And -- and Mr. Halcovage was out in a -- 14 as a county commissioner during work hours, 15 correct? 16 A. My understanding is he -- 17 MS. PIPAK: Object to the form. 18 THE WITNESS: Sorry. 19 MS. PIPAK: You -- you can answer. 20 THE WITNESS: He was on his way to 21 a funeral service. 22 BY MS. SMITH: 23 Q. Did you ever speak with Ms. Goodman? 24 A. No, we did not.</p>
<p style="text-align: right;">Page 360</p> <p>1 Q. Okay. 2 Would you -- based off of the contents 3 of it, would you say that this espouses a safety 4 concern for Ms. -- by Ms. Goodman or for Ms. 5 Goodman? 6 A. Potentially. 7 Q. Okay. 8 Do you know, did -- Mr. Roth is cc'd on 9 this, correct? 10 A. Yes. 11 Q. Are you aware of Mr. Roth preparing an 12 affidavit for Ms. Goodman? 13 A. In -- 14 Q. In regards to the contents of this 15 e-mail? 16 A. No. 17 Q. Is there a reason why an affidavit was 18 prepared for Ms. Matascavage about a safety 19 concern, but not Ms. Goodman? 20 MS. PIPAK: Object to the form. 21 But you can answer. 22 THE WITNESS: No. 23 BY MS. SMITH: 24 Q. Do you see why I'm asking the question,</p>	<p style="text-align: right;">Page 362</p> <p>1 Q. Did you ever interview her? 2 A. No. She never responded. 3 Q. Did you reach out to her? 4 A. Ms. Zula did. 5 Q. Were you cc'd on it? 6 A. Yes. 7 Q. Did you tell Ms. Zula to follow up with 8 Ms. Goodman? 9 A. Well, Ms. Toomey and Ms. Gerchak had 10 come down to the HR department to make us aware of 11 the situation that had presented because we were 12 in the commissioners' meeting at 10:00 that 13 morning. So we didn't know that this had all 14 transpired until after the commissioner's meeting 15 was over. 16 Q. Okay. 17 A. And when they had come down to the HR 18 department, Heidi had scribed notes and she had 19 asked for a copy of the police report that we were 20 informed was being filed by Ms. Goodman. 21 Q. Did -- this was a -- the request for the 22 police report was made to Ms. Toomey and Ms. 23 Gerchak, correct? 24 A. Yes.</p>

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<p>1 Q. Okay.</p> <p>2 And did -- had Ms. Goodman filed the</p> <p>3 police report at that time?</p> <p>4 A. Our understanding was that she was with</p> <p>5 the St. Claire police filing the report.</p> <p>6 Q. Did -- to your knowledge, did you or</p> <p>7 anyone on behalf of the county reach out to the</p> <p>8 St. Claire police department to obtain a report?</p> <p>9 A. I did not.</p> <p>10 Q. Okay.</p> <p>11 And you're not aware of anyone else who</p> <p>12 did?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 Did Ms. Zula ever obtain a copy of the</p> <p>16 police report, to your knowledge?</p> <p>17 A. To my knowledge, no.</p> <p>18 Q. You testified earlier that Commissioner</p> <p>19 Halcovage's parking spaces had changed a number of</p> <p>20 times?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know when they changed, were the</p> <p>23 plaintiffs notified of the changes?</p> <p>24 A. Not to my knowledge.</p>	<p>1 - - -</p> <p>2 (Zula 325-326 marked as Exhibit-294 for</p> <p>3 identification.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. I am also going to put in front of you</p> <p>7 120, you can leave it underneath, but it kind of</p> <p>8 goes together.</p> <p>9 A. Okay.</p> <p>10 Q. We're going to start with the second</p> <p>11 page, so Zula 326. It's an e-mail from Heidi Zula</p> <p>12 to Angela Toomey and you are cc'd on it.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 It says -- says: Please see the</p> <p>17 attached correspondence on behalf of -- 120 is not</p> <p>18 the right one. I apologize. I apologize. You</p> <p>19 can hand me 120 back, it's not actually the right</p> <p>20 one I need you to look at.</p> <p>21 Ms. Zula's e-mail to you indicates:</p> <p>22 Please see the attached correspondence on behalf</p> <p>23 of County Administrator Bender.</p> <p>24 MS. SMITH: I'm going to mark Doe</p>
Page 364	Page 366
<p>1 Q. Do you think that it might have been</p> <p>2 helpful for them to know so they could avoid where</p> <p>3 he parked?</p> <p>4 A. Certainly.</p> <p>5 Q. Do you know why they weren't notified</p> <p>6 then of when these park spaces were changed?</p> <p>7 A. Regarding this commissioner's vehicle</p> <p>8 sign?</p> <p>9 Q. No, just in general.</p> <p>10 You said they weren't notified when he</p> <p>11 was -- his spots were changed.</p> <p>12 A. Right.</p> <p>13 Q. Do you know why?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 And that could have -- the changes to</p> <p>17 his parking spot could have only been done by Mr.</p> <p>18 Bender, correct?</p> <p>19 A. That was all Sheriff Groody.</p> <p>20 Q. Oh, the parking changes?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay.</p> <p>23 MS. SMITH: All right. We're going</p> <p>24 to look at Zula RFP 325 and 326. It will be 294.</p>	<p>1 Supplement 583 as 295.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Do you recognize this January 15th</p> <p>4 letter to Ms. Toomey from Mr. Bender?</p> <p>5 A. Somewhat.</p> <p>6 Q. Okay.</p> <p>7 Do you know if that was the attachment</p> <p>8 of the letter?</p> <p>9 A. I assume so.</p> <p>10 Q. Okay.</p> <p>11 Did you have any involvement in the</p> <p>12 drafting of this letter?</p> <p>13 A. What I can recall is that Ms. Zula and I</p> <p>14 worked with Mr. Heinbach.</p> <p>15 MR. LEES: Wait. I just want to</p> <p>16 verify the county's position on this before you</p> <p>17 continue.</p> <p>18 MS. PIPAK: Can you put up the</p> <p>19 Exhibit-295?</p> <p>20 MS. SMITH: Oh, sorry. Matt, can</p> <p>21 you put -- so it's Doe Supplement 583.</p> <p>22 MR. LEES: This was previously</p> <p>23 marked as a different exhibit.</p> <p>24 MS. SMITH: Let's revoke 295.</p>

<p style="text-align: right;">Page 367</p> <p>1 Matt, can you pull up Exhibit-21.</p> <p>2 That won't be 295 since it's already an exhibit, but</p> <p>3 that is 21.</p> <p>4 ---</p> <p>5 (Previously marked Exhibit-21.)</p> <p>6 ---</p> <p>7 BY MS. SMITH:</p> <p>8 Q. All right.</p> <p>9 So were you involved in the drafting of</p> <p>10 the e-mail?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 I'm sorry. I should call it -- it was a</p> <p>14 letter. The E-mail was what Ms. Zula sent, but</p> <p>15 it's the letter that you were involved in the</p> <p>16 drafting, which is Exhibit-291, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 Did you do the first initial draft?</p> <p>20 A. We worked collectively on it.</p> <p>21 Q. Okay.</p> <p>22 And who is we?</p> <p>23 A. Me and Ms. Zula.</p> <p>24 Q. All right.</p>	<p style="text-align: right;">Page 369</p> <p>1 e-mail. Oh, wait. Yeah, it is. Sorry. I'm</p> <p>2 thinking we're talking at the car.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. What car?</p> <p>5 A. The -- Ms. Goodman and Mr. Halcovage</p> <p>6 from the 13th.</p> <p>7 Q. Right. Right. Right.</p> <p>8 But -- so. No. You're right.</p> <p>9 A. This is --</p> <p>10 Q. We're talking about --</p> <p>11 A. Okay.</p> <p>12 Q. There's just an e-mail, if you look at</p> <p>13 the second page of 294, there was that e-mail.</p> <p>14 A. Right. Please see the attached</p> <p>15 correspondence on behalf of county administration.</p> <p>16 So this is this letter.</p> <p>17 Q. That was attached to the e-mail --</p> <p>18 A. Okay.</p> <p>19 Q. Correct? Am I correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. All right.</p> <p>22 A. Sorry.</p> <p>23 Q. Now that you have your bearings.</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 368</p> <p>1 Who instructed you to draft such a -- a</p> <p>2 letter?</p> <p>3 MS. PIPAK: I am going to object to</p> <p>4 the extent that this calls for conversations you</p> <p>5 had with counsel. I am going to direct the</p> <p>6 witness not to answer.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Well, it has Gary Bender's name. So did</p> <p>9 Mr. Bender direct you to write this for him?</p> <p>10 THE WITNESS: I'm okay to answer?</p> <p>11 MR. LEES: You can answer that.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Okay.</p> <p>15 Tell me about how what went down. What</p> <p>16 happened? Who was there? What was the set up?</p> <p>17 MS. PIPAK: All right. And I'm</p> <p>18 just -- I am going to object and tell the witness</p> <p>19 not to answer it to the extent it -- she relayed</p> <p>20 communications she had with counsel.</p> <p>21 THE WITNESS: This letter is all</p> <p>22 over the place.</p> <p>23 So this letter is not in conjunction</p> <p>24 with the safety concerns from the January 16th</p>	<p style="text-align: right;">Page 370</p> <p>1 Q. Did Mr. did -- you write this letter</p> <p>2 with Ms. Zula?</p> <p>3 A. Yes.</p> <p>4 Q. On behalf of Mr. Bender at his</p> <p>5 instruction?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 So that was all correct. I just wanted</p> <p>9 to make sure.</p> <p>10 Why -- tell me about how that came to</p> <p>11 fruition that he was telling you to write this</p> <p>12 letter?</p> <p>13 MS. PIPAK: And I am just going to</p> <p>14 raise the same objection to the extent of the</p> <p>15 witness and instruct you not to answer any</p> <p>16 communications you had with counsel.</p> <p>17 MS. SMITH: She can answer.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. If it's a conversation -- what she's</p> <p>20 saying in her --</p> <p>21 A. It's a conversation I had with Ms. Zula.</p> <p>22 Q. Okay.</p> <p>23 She's not an attorney, so you can</p> <p>24 answer.</p>

<p>Page 371</p> <p>1 A. Right.</p> <p>2 Q. That's all she -- that's what she's</p> <p>3 saying, you can answer as long as you're not</p> <p>4 disclosing the contents of a conversation with one</p> <p>5 of the county's attorneys. If you had a</p> <p>6 conversation with Ms. Zula or Mr. Bender, then you</p> <p>7 can disclose those contents because they're not</p> <p>8 attorneys.</p> <p>9 A. Okay. Yeah, so with -- this was the</p> <p>10 situation where George had come into the</p> <p>11 courthouse through the north entrance to attend</p> <p>12 the swearing in of Christina Hale.</p> <p>13 Q. Okay.</p> <p>14 So we had spoken about that briefly</p> <p>15 earlier because there was another e-mail that you</p> <p>16 thought might have been that where you reviewed</p> <p>17 video. Do you recall testifying to that?</p> <p>18 A. That -- the video would have been</p> <p>19 associated with this letter, not what had happened</p> <p>20 back in October.</p> <p>21 Q. Okay.</p> <p>22 So did you view video footage regarding</p> <p>23 allegations by the plaintiffs about Commissioner</p> <p>24 Halcovage more than once or was it only once and</p>	<p>Page 373</p> <p>1 e-mail which triggered the looking into this.</p> <p>2 But how did it come up that you needed</p> <p>3 to go look at the video?</p> <p>4 A. We wanted to confirm -- Heidi and I</p> <p>5 wanted to confirm, one, if George was in the</p> <p>6 hallway at that time, at that particular time</p> <p>7 frame, and whether or not he was walking with</p> <p>8 anyone.</p> <p>9 Q. I guess -- so my question might have</p> <p>10 been a bad one.</p> <p>11 Was there an e-mail from Ms. Toomey or</p> <p>12 someone reporting him -- Defendant Halcovage's</p> <p>13 actions that triggered you to go do that or..?</p> <p>14 A. It may have been an e-mail. I think it</p> <p>15 was an e-mail that would have come in because...</p> <p>16 Q. You can keep going. Sorry.</p> <p>17 A. We would not have invested any --</p> <p>18 investigated anything had we not been made aware</p> <p>19 of the situation.</p> <p>20 Q. Ms. Toomey -- do you remember Ms. Toomey</p> <p>21 sending an e-mail about excusing herself, Ms.</p> <p>22 Gerchak, Ms. Goodman, and Ms. Kleckner for the day</p> <p>23 to work from home because they had encountered</p> <p>24 Defendant Halcovage?</p>
<p>Page 372</p> <p>1 it was the Hale swearing in?</p> <p>2 A. It was -- it was one time and it was the</p> <p>3 Hale swearing in.</p> <p>4 Q. So that would have been in January of</p> <p>5 2021?</p> <p>6 A. Correct.</p> <p>7 Q. So then in October of 2021 when you</p> <p>8 thought you might have reviewed video, you were</p> <p>9 mistaken and you did not review video?</p> <p>10 A. Correct.</p> <p>11 Q. So now -- and I can pull that one back</p> <p>12 up if we need to, there was an allegation that he</p> <p>13 was unescorted, Defendant Halcovage, you never</p> <p>14 were able to deny -- confirm that that was true,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. All right.</p> <p>18 So then this incident, which is the</p> <p>19 Judge hale swearing in -- do you know, is that</p> <p>20 H-A-L-E or --</p> <p>21 A. H-A-L-E.</p> <p>22 Q. Okay.</p> <p>23 This is when -- nevermind, there's so</p> <p>24 many e-mails. There might have been another</p>	<p>Page 374</p> <p>1 A. I don't recall that e-mail.</p> <p>2 Q. Okay.</p> <p>3 A. So, I'm sorry, just for clarification --</p> <p>4 Q. Yeah.</p> <p>5 A. -- purposes, all four of them ran into</p> <p>6 Commissioner Halcovage?</p> <p>7 Q. No. And I am --</p> <p>8 A. Or --</p> <p>9 Q. I am not trying to represent to you</p> <p>10 something that happened. I am trying to find out</p> <p>11 what you remember. I was just trying to refresh</p> <p>12 your recollection.</p> <p>13 But I am ask -- I am just going to</p> <p>14 direct you to the third paragraph.</p> <p>15 A. Yes.</p> <p>16 Q. You may not have been cc'd on the e-mail</p> <p>17 it references, but it says: As you stated in your</p> <p>18 e-mail and as this is directed to Ms. Toomey, as</p> <p>19 she stated in her e-mail, you directed your</p> <p>20 employees to leave their work locations early</p> <p>21 based upon this situation and you left work early</p> <p>22 as well.</p> <p>23 Does that refresh your recollection as</p> <p>24 to what triggered the chain of events recording</p>

<p>Page 375</p> <p>1 you looking into Halcovage's movements and this 2 letter?</p> <p>3 A. I don't know that we were aware that 4 they had left the building. So us looking at the 5 videos, I think was based upon the fact that they 6 raised concerns that George was walking through 7 the building potentially unescorted.</p> <p>8 Q. Okay.</p> <p>9 In any event, something happened to 10 trigger you to go look at the videos?</p> <p>11 A. Yes.</p> <p>12 Q. Was that -- and that was you and Ms. 13 Zula who looked at the videos?</p> <p>14 A. Yes.</p> <p>15 Q. Did you have a conversation with Bender 16 prior to looking at the videos about the issue?</p> <p>17 A. No.</p> <p>18 Q. You just got the e-mail and then went 19 and looked at the videos?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 And did you then speak with Ms. Toomey 23 regarding the fact that he -- Defendant Halcovage 24 was not unescorted?</p>	<p>Page 377</p> <p>1 appeared into the video, met George, and the two 2 of them proceeded up the steps and then 3 disappeared out of sight of that particular 4 camera.</p> <p>5 And you can see the two of them walking 6 together to Courtroom No. 1 or at least down the 7 hall. And then they were picked up walking into 8 Courtroom No. 1.</p> <p>9 Q. Is this the video surveillance you said 10 that you questioned Ms. Toomey about the times 11 that you needed to view?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 Did you view his entire movement -- 15 Defendant Halcovage's entire movement from the 16 time of arrival through departure that day?</p> <p>17 A. From the moment he walked into the north 18 entrance until he left the swearing in ceremony.</p> <p>19 Q. And then where did he go when he left 20 the swearing in ceremony?</p> <p>21 A. He walked down the hall, past the 22 treasurer's office and the register of wills and 23 then at the controllers office is when he 24 descended the steps.</p>
<p>Page 376</p> <p>1 A. I don't remember if I had the 2 conversation or if Ms. Zula had the conversation.</p> <p>3 Q. And when you said had, do you mean you 4 don't even know if you were present for it?</p> <p>5 A. I don't recall.</p> <p>6 Q. Okay. That's fair.</p> <p>7 Prior to having the conversation or if 8 you did, do you recall if -- strike that.</p> <p>9 Do you recall if prior to a conversation 10 being had with Ms. Toomey by anyone for the 11 county, that Mr. Bender was informed of, I'll call 12 it, the investigation findings, the video reveal?</p> <p>13 A. So did we have a conversation with him 14 about it?</p> <p>15 Q. Yes. Yes, before anyone spoke with Ms. 16 Toomey?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 And what, if anything, do you recall 20 informing Mr. Bender about?</p> <p>21 A. That we had observed Mr. Halcovage 22 coming in through the north entrance, waiting. 23 The stairs split, so many go down, so many go up. 24 And he was waiting at the landing. And Mr. Bender</p>	<p>Page 378</p> <p>1 Q. To go where?</p> <p>2 A. Back to the commissioners' office.</p> <p>3 Q. Did you see on the video surveillance, 4 him entering the commissioners' office?</p> <p>5 A. Yes.</p> <p>6 Q. Was he escorted at that point?</p> <p>7 A. He walked with Gary Wilmur, the courier.</p> <p>8 Q. From Courtroom 1 to the commissioners' 9 suite?</p> <p>10 A. No. He went from Courtroom 1, to the 11 top of the stairs with a woman from the 12 controllers office. I don't know who that was.</p> <p>13 Q. Okay.</p> <p>14 And then what happened after she left?</p> <p>15 A. They parted, he walked down the stairs, 16 he met Gary, and then they continued on to the 17 commissioners' office.</p> <p>18 Q. From your review of the video, did it 19 appear as if the woman know -- knew that Gary 20 Wilmur was at the bottom of the steps?</p> <p>21 A. No.</p> <p>22 Q. It didn't -- no, it didn't appear that 23 way or no, you don't have an opinion as to how it 24 appeared? I just want to make sure.</p>



<p>Page 379</p> <p>1 A. It did not appear that she --</p> <p>2 MS. PIPAK: Objection to the form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: It did not appear</p> <p>5 that she was aware that he was at the bottom of</p> <p>6 the steps.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Did -- did it appear that Defendant</p> <p>9 Halcovage knew that Gary Wilmur was at the bottom</p> <p>10 of the steps?</p> <p>11 A. No.</p> <p>12 Q. Did it appear as if -- when Defendant</p> <p>13 Halcovage saw Mr. Wilmur that he was seeing him,</p> <p>14 unknowing that he was going to be there? Kind of</p> <p>15 like someone shocked, oh, like, hey?</p> <p>16 A. Hey, how you doing. Yeah, and then...</p> <p>17 Q. They just walked together?</p> <p>18 A. Correct.</p> <p>19 Q. So would you term Defendant Halcovage's</p> <p>20 movements after leaving the woman as escorted?</p> <p>21 A. No.</p> <p>22 MS. PIPAK: Object to the form.</p> <p>23 Go ahead.</p> <p>24 BY MS. SMITH:</p>	<p>Page 381</p> <p>1 Q. Okay.</p> <p>2 So you and Ms. Zula draft this letter</p> <p>3 together. And is it given to Mr. Bender?</p> <p>4 A. It's drafted alongside with counsel.</p> <p>5 Q. You said you drafted this with Ms. Zula,</p> <p>6 correct?</p> <p>7 A. We did.</p> <p>8 Q. Did it get given to Mr. Bender?</p> <p>9 A. Eventually.</p> <p>10 Q. Okay.</p> <p>11 Do you know if he made any changes to</p> <p>12 it?</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. Okay.</p> <p>15 He just -- it looks like an e-signature,</p> <p>16 so he didn't even hand sign it.</p> <p>17 Did he just approve you to add his</p> <p>18 e-signature?</p> <p>19 A. Yes.</p> <p>20 Q. And then you sent it out to Ms.</p> <p>21 Toomey -- or Ms. Zula, I think, sent it out to Ms.</p> <p>22 Toomey, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>
<p>Page 380</p> <p>1 Q. In January of 2020, was Defendant</p> <p>2 Halcovage per Sheriff Groody's orders, to be</p> <p>3 escorted through the courthouse?</p> <p>4 A. Yes.</p> <p>5 Q. So would you term what you observed on</p> <p>6 the video -- would you term Defendant Hal --</p> <p>7 Halcovage's movements and conduct on the video to</p> <p>8 be a violation of what Sheriff Groody imposed on</p> <p>9 him?</p> <p>10 A. Potentially.</p> <p>11 MS. PIPAK: Objection.</p> <p>12 Go ahead.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. So you view the video. You -- someone</p> <p>15 communicates -- you and Ms. Zula communicate with</p> <p>16 Mr. Bender. Someone communicates with Ms. Toomey.</p> <p>17 And then is the letter written after that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 What was Bender's instruction to you on</p> <p>21 what the contents of this letter should have?</p> <p>22 A. Just that -- to make Ms. Toomey aware</p> <p>23 that she wouldn't have the authority to send her</p> <p>24 people home.</p>	<p>Page 382</p> <p>1 The last sentence of the first</p> <p>2 paragraph, it states: As previously stated,</p> <p>3 Commissioner Halcovage agreed to be escorted to</p> <p>4 other areas of the courthouse, which is exactly</p> <p>5 what occurred today.</p> <p>6 That's not what occurred exactly, is it?</p> <p>7 A. Not in its entirety.</p> <p>8 MS. PIPAK: Object to the form.</p> <p>9 Go ahead.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. The next paragraph states, the first</p> <p>12 sentence, while in until conversation with the</p> <p>13 interim human resources director and the new human</p> <p>14 resources -- resources director on Wednesday,</p> <p>15 January 13th, so that would be you and Ms. Zula,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. The question was posed as to why the tax</p> <p>19 assessment employees have not utilized the north</p> <p>20 entrance when entering and exiting the courthouse.</p> <p>21 Who posed that question?</p> <p>22 A. I did.</p> <p>23 Q. To Ms. Toomey?</p> <p>24 A. Yes.</p>

<p>Page 383</p> <p>1 Q. Okay.</p> <p>2 And why did you pose that question to</p> <p>3 Ms. Toomey?</p> <p>4 A. In knowing that Mr. Halcovage was</p> <p>5 directed to use the main entrance in order to</p> <p>6 provide all of the plaintiffs with the ability to</p> <p>7 avoid any kind of run in, I recommended that they</p> <p>8 use the north entrance.</p> <p>9 Q. So the way the sentence reads, it says,</p> <p>10 the question was posed, not the suggestion was</p> <p>11 made. So were you -- and I'm just trying to</p> <p>12 understand your conversation with her or what</p> <p>13 happened during that exchange.</p> <p>14 Was there -- prior to this letter, was</p> <p>15 there an instruction by you or anyone on behalf of</p> <p>16 the county to Ms. Toomey, that tax assessment</p> <p>17 employees or more specifically the plaintiffs,</p> <p>18 should utilize the north entrance?</p> <p>19 A. Yes.</p> <p>20 Q. And there wasn't, correct me if I'm</p> <p>21 wrong, any question that they weren't doing so,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay.</p>	<p>Page 385</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 So you were just reaffirming that they</p> <p>4 were using it?</p> <p>5 A. Yes.</p> <p>6 Q. Through questioning?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 But didn't -- on this particular day,</p> <p>10 wasn't that the door that Mr. Halcovage used?</p> <p>11 A. It was.</p> <p>12 Q. Okay.</p> <p>13 So even if they had, which by your</p> <p>14 testimony, they were using the north entrance,</p> <p>15 they still would have encountered him that day?</p> <p>16 A. Yes. It's a Murphy's Law thing.</p> <p>17 Q. And -- well, Murphy's Law, except that</p> <p>18 Defendant Halcovage had been asked not to use that</p> <p>19 entrance and if he had abided by that simple</p> <p>20 thing, it would have avoided this issue, correct?</p> <p>21 A. Correct.</p> <p>22 Q. So maybe we should call it Defendant</p> <p>23 Halcovage's Law, that's what he wants.</p> <p>24 Would you agree with that?</p>
<p>Page 384</p> <p>1 So the way it reads to me is that they</p> <p>2 weren't -- you were asking them, why didn't you do</p> <p>3 this, this all could have been avoided. It wasn't</p> <p>4 that, it was just a reminder, hey, utilize the</p> <p>5 north entrance?</p> <p>6 A. No. It was the aforementioned that you</p> <p>7 said. It was, why aren't you using -- to me, it</p> <p>8 was more of a question for me, why aren't you</p> <p>9 using the north entrance because nine times out of</p> <p>10 ten, you can avoid, one, any run in because George</p> <p>11 is using the main entrance. And, two, again when</p> <p>12 you come through the main entrance and you turn</p> <p>13 and walk through the double doors that</p> <p>14 automatically open, that's in direct line of sight</p> <p>15 to the commissioners' office. So if he was coming</p> <p>16 up the step, if he was coming out of the elevator,</p> <p>17 you would still see him no matter what. So the</p> <p>18 north entrance, no direct line of sight. They can</p> <p>19 avoid any interaction with him to the greatest</p> <p>20 extent possible.</p> <p>21 Q. So, again, I just want to clarify, so it</p> <p>22 was -- you said it was aforementioned, meaning why</p> <p>23 aren't you using it. But was there anything to</p> <p>24 make you believe that they weren't utilizing it?</p>	<p>Page 386</p> <p>1 MS. PIPAK: Objection.</p> <p>2 MR. LEES: Objection to the form.</p> <p>3 MS. SMITH: I'll withdraw it.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Do you have any understanding about what</p> <p>6 exempt versus non-exempt employees are?</p> <p>7 A. Yes.</p> <p>8 Q. Do you -- and I'm not going to ask you</p> <p>9 to recite it, so don't worry.</p> <p>10 Do you know somewhat of the tests of</p> <p>11 what a non-exempt employee -- the duties and</p> <p>12 abilities they have?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 Ms. Toomey was an exempt -- exempt</p> <p>16 employee, correct?</p> <p>17 A. Yes.</p> <p>18 Q. I always say them backwards.</p> <p>19 She was a supervisor of a department?</p> <p>20 A. Yes.</p> <p>21 Q. As of January 15, 2021, based off of</p> <p>22 your experience at the county and your</p> <p>23 understanding of exempt verse non-exempt</p> <p>24 employees, did you believe that Ms. Toomey held or</p>

<p style="text-align: right;">Page 387</p> <p>1 at least should have held if she was going to be</p> <p>2 classified as exempt, the ability to direct her</p> <p>3 employees work locations?</p> <p>4 A. Yes.</p> <p>5 Q. Was there anything that you recall</p> <p>6 surrounding this time, this incident, that led you</p> <p>7 to believe that Ms. Toomey told her employees they</p> <p>8 could go home and be paid, but not work?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Okay.</p> <p>11 Did you see this letter as a write-up or</p> <p>12 a reprimand of Ms. Toomey?</p> <p>13 A. No.</p> <p>14 Q. During your employment with the county,</p> <p>15 were you ever instructed to draft or compose a</p> <p>16 letter similar to this, so not a reprimand, but a</p> <p>17 letter to an employee on the -- an employee of the</p> <p>18 county?</p> <p>19 A. No.</p> <p>20 Q. This is the only one?</p> <p>21 A. Yes.</p> <p>22 Q. Third paragraph, middle of it.</p> <p>23 A. Yes.</p> <p>24 Q. In addition, you do not have the</p>	<p style="text-align: right;">Page 389</p> <p>1 where they -- the employees that are excused had</p> <p>2 submitted vacations, sick, or PTO, there would not</p> <p>3 have been an issue, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Why was it so important to issue this</p> <p>6 letter the same day, if you know?</p> <p>7 A. I don't know that.</p> <p>8 Q. Do you know if Mr. Bender spoke with or</p> <p>9 e-mailed Ms. Toomey and said, did you tell them to</p> <p>10 use time or did you just send them home?</p> <p>11 A. Not to my knowledge.</p> <p>12 MS. SMITH: We are going to look at</p> <p>13 Exhibit-20.</p> <p>14 Matt, if you can pull that up.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Do you recognize this e-mail?</p> <p>17 A. Yes.</p> <p>18 Q. Is this the chain of events -- is this</p> <p>19 the start -- starting point of it?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 In it, Ms. Toomey clearly states: We've</p> <p>23 been advised by our attorney to exit the county</p> <p>24 building and work from home until further notice.</p>
<p style="text-align: right;">Page 388</p> <p>1 authority to direct your employees to leave their</p> <p>2 work site without appropriate usage of leave.</p> <p>3 So you would disagree with the authority</p> <p>4 to direct your employees to leave, it's just that</p> <p>5 without appropriate usage of leave that makes --</p> <p>6 is the issue? Meaning, if she had excused them to</p> <p>7 work from home and use PTO, vacation, sick, or</p> <p>8 work from home and work from home, then it would</p> <p>9 have been fine, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay.</p> <p>12 Did you speak with Ms. Toomey and ask</p> <p>13 her what she -- exactly she'd instructed her</p> <p>14 employees to do?</p> <p>15 A. I don't remember.</p> <p>16 Q. This letter was issued and sent out on</p> <p>17 January 15th, which was the very same day that the</p> <p>18 incident happened and the excusal of the employees</p> <p>19 happened, correct?</p> <p>20 A. To my knowledge, yes.</p> <p>21 Q. The tax assessment office submitted</p> <p>22 weekly hours, correct?</p> <p>23 A. Yes.</p> <p>24 Q. So if Ms. Toomey had submitted hours</p>	<p style="text-align: right;">Page 390</p> <p>1 There's nothing in this e-mail that</p> <p>2 suggests that she did not instruct them to just go</p> <p>3 home and use county time, correct?</p> <p>4 A. Correct.</p> <p>5 MS. SMITH: Can we go off the</p> <p>6 record for like five minutes.</p> <p>7 VIDEOGRAPHER: The time is</p> <p>8 4:21 p.m. and we are off the record.</p> <p>9 - - -</p> <p>10 (Whereupon, brief recess was held off</p> <p>11 the record.)</p> <p>12 - - -</p> <p>13 VIDEOGRAPHER: The time is now 4:31</p> <p>14 p.m. and we're back on the record.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. All right.</p> <p>17 Ms. Kutzler, I want to -- I'm going to</p> <p>18 jump in -- I know I've been going chronological,</p> <p>19 trying to make it easier on you and myself. I'm</p> <p>20 going to jump a little bit just because I want to</p> <p>21 get some understanding of what the second stint of</p> <p>22 your time at the county involved.</p> <p>23 When did that begin?</p> <p>24 A. May 19th of 2022.</p>

<p>Page 391</p> <p>1 Q. And was that, as I understand it and 2 correct me if I am wrong, was as a result of Ms. 3 Zula putting in her resignation? 4 A. Yes. 5 Q. Okay. 6 And so the county was going to be 7 without an HR director? 8 A. Correct. 9 Q. So they reached back out to Hubric 10 Resources and retained your services again? 11 A. Yes. 12 Q. And as you had worked there, I image it 13 obviously made sense for Hubric to assign you to 14 it? 15 A. Yes. 16 Q. Okay. 17 And you agreed? 18 A. Yes. 19 Q. All right. 20 And so from May 22nd until when did you 21 provide interim human resources services? 22 A. Until October 27th. 23 Q. And that was a result of Ms. Andrea 24 Whalen being retained -- hired by the county?</p>	<p>Page 393</p> <p>1 Q. Okay. 2 Anything else that you recall about the 3 plaintiffs that was transferred in the knowledge? 4 A. No. 5 Q. Did you have any interaction, whether in 6 person or by e-mail, a written exchange, with the 7 plaintiffs during that second stint of employment? 8 A. I did send a communication to Ms. 9 Goodman regarding her termination of benefit 10 coverage. 11 Q. Okay. 12 And at whose instruction, if anyones, 13 was that? 14 A. I worked with Elaine Fucci in the HR 15 department, who is the benefit administrator, and 16 with the county policy, the ladies were paying 17 their contributions that's normally deducted out 18 of their pay. 19 Q. Okay. 20 A. And Ms. Goodman was in arrears. 21 Q. Okay. 22 A. So there were communications sent, two 23 letters, I think, if I recall, that stated that 24 she was in arrears and she had an opportunity to</p>
<p>Page 392</p> <p>1 A. Correct. 2 Q. Okay. 3 What, if anything, during your second 4 stint, so the 2022 stint, was different about the 5 services you provided, if anything, than your 6 first stint? 7 A. No differences. 8 Q. Okay. 9 Was there a transfer of knowledge, at 10 least as it relates to the time periods you 11 weren't there, between Ms. Zula and -- to you? 12 A. Somewhat. Not much. 13 Q. Just kind of what had happened in that 14 period of time? 15 A. Yes. 16 Q. Okay. 17 Do you recall if any of that involved 18 anything related to the plaintiffs? 19 A. Ms. Zula did inform me that -- that Ms. 20 Toomey and Ms. Gerchak's positions were split and 21 that they had been moved into tax claim. And that 22 Ms. Kleckner and Ms. Goodman were supposed to be 23 working from the 410 office, but then were working 24 from home and requested to complete time sheets.</p>	<p>Page 394</p> <p>1 bring her account current. And if that didn't 2 happen, then she would be -- the coverage would be 3 terminated and she would have a qualifying life 4 event. 5 Q. Okay. 6 So was the correspondence you sent to 7 Ms. Goodman something you did on your own -- 8 A. Yes. 9 Q. -- because of that arrears? 10 A. Yes. 11 Q. Okay. 12 So there was nothing -- we talked about 13 this earlier about Bender being able to send 14 correspondence if the person didn't have the 15 requisite hours. 16 That wasn't the case here? 17 A. Correct. 18 Q. All right. 19 Any other communications during your 20 second stint with -- of employment that you can 21 recall with the plaintiffs? 22 A. There were e-mails received from Ms. 23 Toomey inquiring about the EEOC officer. 24 Q. Okay.</p>

<p>Page 395</p> <p>1 But the county's appointed individual?</p> <p>2 A. Yes.</p> <p>3 Q. Correct?</p> <p>4 And what was your response, if any, to</p> <p>5 her?</p> <p>6 A. Yeah. So with the policy, it states</p> <p>7 that the HR director and the solicitors office</p> <p>8 would -- HR directors first, the back up, if you</p> <p>9 will, would be someone from the solicitors office</p> <p>10 and I had suggested Paul Dotty. However, I was</p> <p>11 not aware that he had defended or attended the UC</p> <p>12 hearings on behalf of the county for Ms. Toomey</p> <p>13 and Ms. Gerchak.</p> <p>14 Q. When you say UC, you mean the</p> <p>15 unemployment hearing?</p> <p>16 A. Unemployment.</p> <p>17 Q. Okay.</p> <p>18 So Paul when you learned that he was --</p> <p>19 so Paul Dotty was a solicitor, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And are you saying that because he</p> <p>22 attended the unemployment compensation hearings on</p> <p>23 behalf of the county, that he then -- it kind of</p> <p>24 was a conflict if he would be the EEO officer for</p>	<p>Page 397</p> <p>1 was also a named respondent and I think a federal</p> <p>2 defendant at that point, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And then the back up, back up, you had</p> <p>5 suggested, was Paul Dotty, and he had opposed</p> <p>6 their un -- Ms. Toomey's unemployment?</p> <p>7 A. Correct.</p> <p>8 Q. So to whom was then Ms. Toomey to report</p> <p>9 any issues, any EEO issues?</p> <p>10 A. Than would be the new HR director.</p> <p>11 Q. But while you remained there, to whom</p> <p>12 was she to report it?</p> <p>13 A. I had conversations with Paul Dotty and</p> <p>14 he was willing to speak with Ms. Toomey, but then</p> <p>15 she didn't consider that and we never got to a</p> <p>16 point where we identified anyone else.</p> <p>17 Q. So for a period of time, there was no</p> <p>18 one -- no EEO or county representative named that</p> <p>19 she could make reports of EEO compliance issues</p> <p>20 to?</p> <p>21 MR. LEES: I will just object to</p> <p>22 the form.</p> <p>23 MS. PIPAK: Object to the form.</p> <p>24 MR. LEES: But you can answer.</p>
<p>Page 396</p> <p>1 the county?</p> <p>2 A. Yes. To Ms. Toomey's purview.</p> <p>3 Q. Okay.</p> <p>4 So just as it relates to Ms. Toomey?</p> <p>5 A. Yes.</p> <p>6 Q. Because he had attended her unemployment</p> <p>7 compensation?</p> <p>8 A. Correct.</p> <p>9 Q. Gotcha. Okay. I understand.</p> <p>10 The second stint of your employment, do</p> <p>11 you recall, had you been named as a respondent in</p> <p>12 the EEOC charge by Ms. Toomey -- by the</p> <p>13 plaintiffs?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 And so you were the interim HR director?</p> <p>17 A. Yes.</p> <p>18 Q. Risk -- I'm sorry. You said who was the</p> <p>19 back up, the risk manager, right?</p> <p>20 A. The...</p> <p>21 Q. Oh, the solicitor?</p> <p>22 A. Solicitor. Solicitor's office.</p> <p>23 Q. Solicitor's office.</p> <p>24 That would have included Glenn Roth, who</p>	<p>Page 398</p> <p>1 THE WITNESS: Correct.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Okay.</p> <p>4 Any knee other interactions or</p> <p>5 communications with the plaintiff s from your</p> <p>6 second stint that you recall?</p> <p>7 A. Other than the EEOC and then the COBRA</p> <p>8 situation with Ms. Goodman, I can't think of</p> <p>9 anything specifically.</p> <p>10 Q. Okay.</p> <p>11 Switching gears a little bit again. I</p> <p>12 apologize.</p> <p>13 I would like you to take a look at Zula</p> <p>14 RP 432 and 4 --432 to 434.</p> <p>15 MS. SMITH: That will be 295.</p> <p>16 - - -</p> <p>17 (RP 432-434 marked as Exhibit-295 for</p> <p>18 identification.)</p> <p>19 - - -</p> <p>20 BY MS. SMITH:</p> <p>21 Q. All right.</p> <p>22 Going back to your -- your stint of</p> <p>23 employment. You were talking earlier about the</p> <p>24 transfer of knowledge from you to Ms. Zula, as</p>



<p>Page 399</p> <p>1 well as your transfer kind of into slightly</p> <p>2 different contracting role with the county</p> <p>3 involving sexual harassment training.</p> <p>4 Shortly after Ms. Zula started, so</p> <p>5 roughly February of 2021, you started to conduct</p> <p>6 sexual harassment training for county employees,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 And what was your understanding</p> <p>11 regarding elected officials attending at the</p> <p>12 trainings?</p> <p>13 A. They would be required to attend them</p> <p>14 just like any other employee.</p> <p>15 Q. And what was your understanding would</p> <p>16 happen if they did not attend them?</p> <p>17 A. It wouldn't look favorable.</p> <p>18 Q. Could -- was it your understanding that</p> <p>19 the county could take action against them?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. If we look to the second page of this</p> <p>22 e-mail, there is an e-mail from you to Mr. Bender</p> <p>23 about rescheduling the training due to weather</p> <p>24 forecast. I think like today, there was some snow</p>	<p>Page 401</p> <p>1 same training?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 Did you -- how did the list or the sign</p> <p>5 up work?</p> <p>6 A. I had distributed -- so this was for</p> <p>7 managerial, supervisory managerial staff and</p> <p>8 above, because we did them first. And I -- based</p> <p>9 upon the training dates that we had scheduled, I</p> <p>10 had sent those dates out and they filled on a</p> <p>11 first come, first serve basis, depending upon who</p> <p>12 responded and which date they wanted to attend.</p> <p>13 Q. Okay.</p> <p>14 Do you know when you received Mr.</p> <p>15 Bender's response and selection for the 18th or --</p> <p>16 the 18th? Because that's the one that got moved.</p> <p>17 It ended up being the 19th, was the first day, but</p> <p>18 the 18th was supposed to be the first day, right?</p> <p>19 A. Correct.</p> <p>20 Q. When you got his response and he wanted</p> <p>21 to attend the 18th, had Ms. Toomey and Ms. Gerchak</p> <p>22 already signed up for that day?</p> <p>23 A. I don't remember that specifically.</p> <p>24 Q. Okay.</p>
<p>Page 400</p> <p>1 in Schuylkill County around that time, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And some of -- one of, at least, the</p> <p>4 trainings got moved, correct?</p> <p>5 A. Yes.</p> <p>6 Q. All right.</p> <p>7 And as a result of that, do you recall,</p> <p>8 was Ms. Toomey and Ms. Gerchak originally</p> <p>9 scheduled -- were they on that day that was moved?</p> <p>10 A. It was the 18th that was moved.</p> <p>11 Q. Right.</p> <p>12 So was that the day they had -- Ms.</p> <p>13 Toomey and Ms. Gerchak had originally been</p> <p>14 scheduled for?</p> <p>15 A. They were scheduled for the 19th.</p> <p>16 Q. Okay.</p> <p>17 A. Which I see is when Gary Bender's name</p> <p>18 is on list as well.</p> <p>19 Q. Okay.</p> <p>20 And did that, to your recollection,</p> <p>21 become a concern or issue raised by Ms. Toomey and</p> <p>22 Ms. Gerchak that he --</p> <p>23 A. Yes.</p> <p>24 Q. Mr. Bender was scheduled to attend the</p>	<p>Page 402</p> <p>1 Would you understand why Ms. Toomey and</p> <p>2 Ms. Gerchak wouldn't want to attend the same</p> <p>3 training as him?</p> <p>4 A. Sure.</p> <p>5 Q. Then on the first page of that document,</p> <p>6 you provide the list. And like we stated, Gary</p> <p>7 Bender, Ms. Toomey -- sorry -- it was the 19th,</p> <p>8 they were -- right? Were they -- because this</p> <p>9 says Friday, February 19th.</p> <p>10 A. Yeah.</p> <p>11 Q. That --</p> <p>12 A. So --</p> <p>13 Q. -- was not originally the first day of</p> <p>14 the session, correct?</p> <p>15 A. The first session was scheduled for the</p> <p>16 18th. That was rescheduled to the 25th.</p> <p>17 Q. Right.</p> <p>18 So when Ms. Toomey and Ms. Gerchak</p> <p>19 signed up initially, they signed up for the 19th,</p> <p>20 which would have been the second day, right?</p> <p>21 A. That's -- yeah. I think that's correct.</p> <p>22 Q. Okay. All right.</p> <p>23 As did Mr. Bender, correct?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 403</p> <p>1 Q. And in response to an e-mail from Ms.  2 Zula, you send an e-mail letting her know that  3 these people are scheduled for the 19th and you  4 state: It is likely in George's best interest to  5 select another training session, as Angela and  6 Denise are RSVP'd to attend this one.  7 Why did you -- what was your reasoning  8 for that statement?  9 A. So that they wouldn't be in the same  10 session together.  11 Q. As someone they had accused of sexual  12 harassment?  13 A. Correct.  14 Q. But Mr. Bender was still in that same  15 session as them, correct?  16 A. Yeah. He wasn't accused of sexual  17 harassment, was he?  18 Q. Well, what was your understanding of  19 what he was accused of?  20 A. More retaliation.  21 Q. Did you understand that he was accused  22 of gender discrimination?  23 A. No.  24 Q. Okay.</p>	<p style="text-align: right;">Page 405</p> <p>1 Toomey and Ms. Gerchak were scheduled?  2 A. It was based upon the 18th being  3 canceled.  4 Q. But you knew that Ms. Toomey had  5 asked -- had chosen a different session after you  6 informed her about Bender being in that session,  7 correct?  8 A. Yes.  9 Q. So why was it that you allowed him to  10 move to the 19th?  11 A. Just to get everybody in to one of the  12 training sessions.  13 Q. You then, according to Ms. Toomey's  14 e-mail on Page 3, you informed her of Mr. Bender  15 attending the 19th. And they -- I guess, it looks  16 like they agreed, despite being uncomfortable,  17 they agreed to attend those sessions; would you  18 agree?  19 A. Yes.  20 Q. Ms. Toomey then writes: After some  21 thought and discussion, we were wondering why Gary  22 Bender, a respondent in an EEOC charge, is not  23 making an accommodation for us by attending one of  24 several other sessions being offered, but instead</p>
<p style="text-align: right;">Page 404</p> <p>1 A. I did not know that.  2 MS. SMITH: We are going to look at  3 previously marked Exhibit-100.  4 - - -  5 (Previously marked Exhibit-100.)  6 - - -  7 BY MS. SMITH:  8 Q. If we look to the second page, it's  9 going to be the first e-mail chronologically.  10 So Ms. Toomey's e-mail indicates in the  11 second paragraph, it's an e-mail from Ms. Toomey  12 to you: After I scheduled the original session,  13 you informed me that Gary Bender would be  14 attending that session, so I chose the following  15 session.  16 So that would indicate to me basically  17 what we've just been talking about, that she  18 originally tried to schedule February 18th, you  19 told her that Bender was already scheduled for  20 that session, so she selected the 19th, correct?  21 A. That's my understanding, yes.  22 Q. Okay.  23 So then how is it, do you know, that Mr.  24 Bender then got scheduled on the 19th when Ms.</p>	<p style="text-align: right;">Page 406</p> <p>1 decides to attend the session which we choose --  2 which we chose in order to avoid him.  3 So you would agree that Ms. Toomey made  4 it clear that she, because of the EEOC charge, did  5 not want to attend the same session as Mr. Bender,  6 correct?  7 A. Correct.  8 Q. And your response that same day back on  9 Page 2 was: Would you and Denise be interested in  10 attending virtually by a Zoom.  11 Why was it that Mr. Bender wasn't just  12 asked change what session he attended?  13 A. He was.  14 Q. Did he --  15 A. Yes.  16 Q. -- agree to do so?  17 A. Yes.  18 Q. Before you asked them if they would  19 attend by Zoom?  20 A. That happened simultaneously.  21 Q. Okay.  22 A. Just as an option.  23 Q. Okay.  24 And that's your -- the e-mail on the</p>

<p>Page 407</p> <p>1 first page at about 6:36 p.m.</p> <p>2 A. Yes.</p> <p>3 Q. You were working on having him attend</p> <p>4 another session?</p> <p>5 A. Yes.</p> <p>6 Q. But your e-mail to Ms. Toomey on</p> <p>7 February 18th at 3:42 is the one that asked her to</p> <p>8 attend by Zoom, correct?</p> <p>9 A. Yeah.</p> <p>10 Q. So was it after you asked her to attend</p> <p>11 by Zoom that you asked Bender to move because she</p> <p>12 wouldn't attend by Zoom?</p> <p>13 A. Again, it was right around the same time</p> <p>14 frame that they were both asked.</p> <p>15 Q. Okay.</p> <p>16 A. He was also provided the opportunity to</p> <p>17 attend virtually.</p> <p>18 Q. And he wouldn't do that?</p> <p>19 A. He chose to do in person just on another</p> <p>20 day.</p> <p>21 Q. A different day. Okay.</p> <p>22 A. Yeah.</p> <p>23 MS. SMITH: All right. We're going</p> <p>24 to look at what's been previously marked as 107.</p>	<p>Page 409</p> <p>1 solicitation, was when I had -- I noticed that</p> <p>2 they offered this service.</p> <p>3 Q. Okay.</p> <p>4 And then did you look into the service?</p> <p>5 A. Yes.</p> <p>6 Q. And did you then make a determination</p> <p>7 that it was something that the county should</p> <p>8 utilize?</p> <p>9 A. Yes. I thought it was one more support</p> <p>10 mechanism for the employees because they didn't</p> <p>11 have anything formally in place. And this is --</p> <p>12 yeah, this was kind of the tip of the iceberg just</p> <p>13 because of the capabilities or lack thereof, that</p> <p>14 the system inherently had.</p> <p>15 Q. That Stop It's system inherently had?</p> <p>16 A. Yeah. Like initially when we first</p> <p>17 vetted it, we knew that it was a good idea and we</p> <p>18 wanted to give the employees a tool in which they</p> <p>19 could report something, but it's anonymous and the</p> <p>20 individuals aren't encouraged in anyway or</p> <p>21 required to provide any kind of identification.</p> <p>22 So it makes it very difficult to do and</p> <p>23 investigation.</p> <p>24 And also, there was no way that you</p>
<p>Page 408</p> <p>1 - - -</p> <p>2 (Previously marked Exhibit-107)</p> <p>3 - - -</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Do you recognize this chain of e-mails?</p> <p>6 A. The Stop It Solutions, yes.</p> <p>7 Q. Okay.</p> <p>8 What is Stop It Solutions?</p> <p>9 A. It's an ethics reporting line that's</p> <p>10 actually offered through, I guess, CCAP. It's a</p> <p>11 free service that they provide to all the counties</p> <p>12 across the State of PA.</p> <p>13 Q. When you started with the county -- so</p> <p>14 this is a March 2021 e-mail --</p> <p>15 A. Yes.</p> <p>16 Q. -- communication.</p> <p>17 Did -- when you started with the county</p> <p>18 in 2020, was Stop It Solutions being implemented</p> <p>19 or used?</p> <p>20 A. No.</p> <p>21 Q. How did you come to learn about it?</p> <p>22 A. There's solicitations, CCAP e-mails that</p> <p>23 come in. They're -- they inundate you. And in</p> <p>24 one of those e-mails that came in as a</p>	<p>Page 410</p> <p>1 could respond directly to the individual that was</p> <p>2 filing the complaint.</p> <p>3 Q. So a good idea, just poorly executed?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 So did this ever really -- Stop It</p> <p>7 Solutions ever really get up and running at the</p> <p>8 county?</p> <p>9 A. It -- it is up and running.</p> <p>10 Q. Okay.</p> <p>11 A. And they have upgraded the -- they have</p> <p>12 push notifications where they have upgraded the</p> <p>13 software so that now you can respond directly to</p> <p>14 the individual and just at least obtain some type</p> <p>15 of additional information so that you can dig a</p> <p>16 little deeper and conduct the communication as</p> <p>17 appropriate.</p> <p>18 Q. Do you know when the upgrade happened?</p> <p>19 A. It was recently. It was within the last</p> <p>20 four months.</p> <p>21 Q. Okay.</p> <p>22 A. Yeah, so late summer.</p> <p>23 Q. Okay.</p> <p>24 So from March of 2021, it sounds like</p>

1 until at least March of '22, there was platform or  
2 program issues that hindered the -- the full use  
3 of this program?

4 A. Yes.

5 Q. Both on the employer and employee side?

6 A. Yes, from a usage perspective.

7 Q. To root out and actually investigate  
8 claims?

9 A. Yes.

10 MS. SMITH: Okay. All right. This  
11 is probably a good stopping point for today.

12 VIDEOGRAPHER: The time is now  
13 4:51 p.m. and we're going off the record.

14 - - -

15 (Whereupon, deposition concluded at  
16 4:51 p.m.)

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## C E R T I F I C A T I O N

I, COLEEN TRIFUN, RPR and Notary Public,  
do hereby certify that the foregoing is a true and  
accurate transcript of the stenographic notes  
taken by me in the aforementioned matter.

- - -

DATE: February 13, 2023

*Coleen Trifun*

COLEEN TRIFUN, RPR



## ERRATA SHEET

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SIGNATURE :

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<b>\$64,000</b> (1)	<b>15219</b> (1)	<b>275</b> (2)	<b>334</b> (1)
<b>\$8.40</b> (1)	<b>159</b> (1)	<b>276</b> (2)	<b>340</b> (1)
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<b>107</b> (1)	<b>190</b> (1)	<b>290</b> (2)	< 4 >
<b>11</b> (1)	<b>19103</b> (1)	<b>291</b> (4)	<b>4</b> (9)
<b>11:32</b> (1)	<b>19106</b> (1)	<b>292</b> (1)	<b>4:00</b> (1)
<b>111</b> (3)	<b>1991</b> (1)	<b>293</b> (3)	<b>4:21</b> (1)
<b>1112</b> (1)	<b>19th</b> (11)	<b>294</b> (3)	<b>4:30</b> (4)
<b>1115</b> (2)	<b>1st</b> (3)	<b>295</b> (5)	<b>4:31</b> (1)
<b>1115-1117</b> (2)		<b>2950</b> (1)	<b>4:51</b> (3)
<b>1116</b> (3)	< 2 >	<b>297</b> (1)	<b>40</b> (9)
<b>1117</b> (1)	<b>2</b> (12)		<b>400E</b> (1)
<b>1118</b> (1)	<b>2:42</b> (1)	< 3 >	<b>402</b> (1)
<b>1118-1120</b> (2)	<b>20</b> (4)	<b>3</b> (12)	<b>404</b> (1)
<b>1120</b> (1)	<b>2012</b> (1)	<b>3:00</b> (1)	<b>408</b> (1)
<b>1121</b> (1)	<b>2019</b> (4)	<b>3:07</b> (1)	<b>410</b> (81)
<b>1121-1124</b> (2)	<b>2020</b> (52)	<b>3:21-CV-00477</b> (1)	<b>43:0</b> (1)
<b>1124</b> (1)	<b>2021</b> (13)	<b>3:30</b> (1)	<b>432</b> (2)
<b>1127</b> (3)	<b>2022</b> (2)	<b>3:36</b> (1)	<b>432-434</b> (2)
<b>1137</b> (4)	<b>2023</b> (2)	<b>3:42</b> (1)	<b>434</b> (1)
<b>1140</b> (1)	<b>203</b> (1)	<b>30</b> (7)	<b>45</b> (3)
<b>11t</b> (1)	<b>21</b> (1)	<b>30-day</b> (2)	<b>48</b> (1)
<b>11th</b> (9)	<b>211</b> (1)	<b>30-plus</b> (1)	<b>493</b> (3)
<b>12</b> (5)	<b>214</b> (2)	<b>30th</b> (1)	<b>493-494</b> (2)
<b>12:18</b> (1)	<b>218</b> (2)	<b>31</b> (1)	<b>494</b> (3)
<b>12:26</b> (1)	<b>22</b> (5)	<b>310</b> (2)	<b>4th</b> (2)
<b>120</b> (4)	<b>229</b> (1)	<b>3136</b> (1)	
<b>12th</b> (2)	<b>22nd</b> (2)	<b>3136-3137</b> (2)	< 5 >
<b>13</b> (4)	<b>23</b> (1)	<b>3137</b> (1)	<b>5:00</b> (1)
<b>130</b> (1)	<b>232</b> (2)	<b>3138</b> (3)	<b>504</b> (2)



<b>504-505</b> (2)	<b>abilities</b> (1)	<b>administers</b> (1)	<b>alternative</b> (2)
<b>505</b> (2)	<b>ability</b> (18)	<b>administration</b> (5)	<b>Alu</b> (1)
<b>506</b> (1)	<b>able</b> (14)	<b>administrative</b> (9)	<b>ALYSSA</b> (2)
<b>507</b> (3)	<b>absence</b> (1)	<b>administrator</b> (12)	<b>ambiguous</b> (1)
<b>510</b> (1)	<b>Absolutely</b> (1)	<b>admit</b> (1)	<b>amended</b> (1)
<b>510-514</b> (2)	<b>abstained</b> (3)	<b>advance</b> (1)	<b>amount</b> (4)
<b>511</b> (1)	<b>abstaining</b> (3)	<b>advice</b> (6)	<b>analysts</b> (1)
<b>513</b> (1)	<b>abstains</b> (1)	<b>advisable</b> (2)	<b>and/or</b> (7)
<b>514</b> (1)	<b>ACA</b> (4)	<b>advise</b> (2)	<b>Andrea</b> (1)
<b>520</b> (1)	<b>acceptable</b> (1)	<b>advised</b> (3)	<b>ANGELA</b> (12)
<b>520-521</b> (2)	<b>access</b> (24)	<b>advises</b> (1)	<b>angry</b> (1)
<b>521</b> (1)	<b>accessible</b> (3)	<b>affect</b> (1)	<b>Ann</b> (2)
<b>549</b> (3)	<b>accessing</b> (1)	<b>affidavit</b> (33)	<b>annual</b> (4)
<b>56</b> (1)	<b>accommodate</b> (1)	<b>affidavits</b> (1)	<b>anonymous</b> (1)
<b>571</b> (1)	<b>accommodated</b> (1)	<b>affirmative</b> (3)	<b>ANSWER</b> (74)
<b>571-572</b> (2)	<b>accommodation</b> (8)	<b>Affordable</b> (1)	<b>answered</b> (6)
<b>572</b> (1)	<b>accommodations</b> (2)	<b>aforementioned</b> (3)	<b>answering</b> (2)
<b>583</b> (2)	<b>accompanying</b> (2)	<b>AFSCME</b> (6)	<b>answers</b> (1)
	<b>accord</b> (1)	<b>afternoon</b> (2)	<b>anticipated</b> (2)
<b>&lt; 6 &gt;</b>	<b>account</b> (3)	<b>AG</b> (8)	<b>anti-harassment</b> (1)
<b>6:36</b> (1)	<b>accounting</b> (1)	<b>agencies</b> (3)	<b>anxiety</b> (3)
<b>61</b> (1)	<b>accounts</b> (1)	<b>Agency</b> (1)	<b>Anybody</b> (9)
	<b>accuracy</b> (1)	<b>agendas</b> (1)	<b>anyones</b> (1)
<b>&lt; 7 &gt;</b>	<b>accurate</b> (8)	<b>agent</b> (2)	<b>anyway</b> (4)
<b>7</b> (4)	<b>accusations</b> (1)	<b>ago</b> (1)	<b>apologies</b> (2)
<b>707</b> (1)	<b>accused</b> (4)	<b>agree</b> (52)	<b>apologize</b> (5)
<b>7-10</b> (2)	<b>Act</b> (1)	<b>agreeable</b> (2)	<b>appeals</b> (2)
<b>712</b> (1)	<b>acted</b> (2)	<b>agreed</b> (14)	<b>appear</b> (6)
<b>72</b> (1)	<b>action</b> (5)	<b>agreement</b> (34)	<b>appearance</b> (1)
<b>74</b> (1)	<b>actions</b> (3)	<b>agreements</b> (4)	<b>appeared</b> (3)
<b>7-9</b> (2)	<b>actively</b> (5)	<b>agrees</b> (2)	<b>Appearing</b> (1)
<b>7th</b> (6)	<b>activities</b> (1)	<b>AG's</b> (1)	<b>appears</b> (3)
	<b>actual</b> (3)	<b>ahead</b> (12)	<b>applicable</b> (1)
<b>&lt; 8 &gt;</b>	<b>ad</b> (1)	<b>ailing</b> (1)	<b>applicant</b> (1)
<b>8</b> (3)	<b>ADA</b> (2)	<b>air</b> (1)	<b>applications</b> (1)
<b>8:00</b> (4)	<b>add</b> (1)	<b>al</b> (4)	<b>applied</b> (1)
<b>8:30</b> (2)	<b>addendum</b> (21)	<b>alcohol</b> (1)	<b>apply</b> (2)
<b>8th</b> (9)	<b>addition</b> (5)	<b>ALEISHA</b> (1)	<b>appointed</b> (1)
	<b>additional</b> (23)	<b>alerts</b> (1)	<b>appointment</b> (2)
<b>&lt; 9 &gt;</b>	<b>Additionally</b> (1)	<b>Alicia</b> (1)	<b>appraisal</b> (1)
<b>9</b> (1)	<b>address</b> (8)	<b>allegation</b> (2)	<b>appraiser</b> (4)
<b>9:00</b> (1)	<b>addressed</b> (4)	<b>allegations</b> (7)	<b>appraisers</b> (6)
<b>9:01</b> (2)	<b>addresses</b> (2)	<b>alleged</b> (1)	<b>appraiser's</b> (1)
<b>911</b> (1)	<b>addressing</b> (2)	<b>allow</b> (14)	<b>appreciate</b> (2)
<b>96</b> (1)	<b>adequately</b> (4)	<b>allowed</b> (4)	<b>approachable</b> (2)
	<b>adjacent</b> (1)	<b>allowing</b> (4)	<b>approached</b> (1)
<b>&lt; A &gt;</b>	<b>adjusting</b> (1)	<b>alluded</b> (2)	<b>appropriate</b> (15)
<b>a.m</b> (8)	<b>adjustment</b> (1)	<b>alludes</b> (1)	<b>appropriately</b> (2)
<b>abided</b> (1)	<b>administer</b> (2)	<b>alongside</b> (1)	<b>appropriateness</b> (1)

approval (6)  
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 attorney-client (12)  
 attorneys (5)  
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 authorize (1)  
 automatically (1)  
 availability (3)  
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 Avenue (2)  
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bachelor (1)  
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 backlog (3)  
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 ball (1)  
 bandwidth (2)  
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 bargaining (5)  
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 Bates (2)  
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 becoming (2)  
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 behalf (21)  
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Bender (220)  
 Bender's (20)  
 benefit (8)  
 benefits (10)  
 Berks (2)  
 best (9)  
 Bethlehem (1)  
 better (3)  
 better-conditioned (1)  
 beyond (2)  
 biannual (2)  
 bid (4)  
 bills (1)  
 binder (1)  
 biographical (1)  
 bit (12)  
 biweekly (1)  
 black (1)  
 blanket (1)  
 block (2)  
 blocks (4)  
 board (11)  
 bold (1)  
 bottom (7)  
 BOX (1)  
 break (6)  
 Brenda (2)  
 Brenda's (1)  
 Brian (2)  
 brief (5)  
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 bring (5)  
 Brodhead (1)  
 broken (1)  
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 Buber (10)  
 budget (19)  
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 Build (1)  
 building (125)  
 buildings (2)  
 bullet (5)  
 bureau (7)  
 business (13)  
 business-related (1)  
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## &lt; C &gt;

cabinet (4)

call (15)  
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 calls (9)  
 camera (1)  
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 Camp (2)  
 campus (1)  
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 candidate (1)  
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 capabilities (1)  
 capability (1)  
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 car (2)  
 carbon (1)  
 card (1)  
 cards (1)  
 care (5)  
 career (2)  
 carry (1)  
 carrying (1)  
 case (16)  
 case-by-case (1)  
 CATHERINE (6)  
 catherine@dereksmith  
 .com (1)  
 CATTS (1)  
 Cause (3)  
 caused (6)  
 causes (1)  
 CBA (3)  
 CCAP (2)  
 cc'd (5)  
 ccs (1)  
 ceiling (4)  
 cell (2)  
 Center (2)  
 ceremony (2)  
 certain (8)  
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 certification (3)  
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 certify (1)  
 chain (22)  
 challenges (4)  
 chance (1)

<b>change</b> (13)	<b>Coleen</b> (4)	<b>compose</b> (1)	<b>continued</b> (2)
<b>changed</b> (12)	<b>collective</b> (4)	<b>compounded</b> (1)	<b>continues</b> (1)
<b>changes</b> (11)	<b>collectively</b> (5)	<b>comprehensive</b> (1)	<b>continuing</b> (1)
<b>changing</b> (2)	<b>college</b> (1)	<b>computer</b> (8)	<b>continuous</b> (1)
<b>charge</b> (6)	<b>com</b> (1)	<b>computers</b> (4)	<b>contract</b> (35)
<b>charges</b> (2)	<b>combination</b> (1)	<b>con</b> (1)	<b>contracted</b> (1)
<b>check</b> (7)	<b>come</b> (36)	<b>concern</b> (8)	<b>contracting</b> (1)
<b>checking</b> (1)	<b>comes</b> (4)	<b>concerning</b> (4)	<b>contractor</b> (4)
<b>Chief</b> (10)	<b>comfortable</b> (8)	<b>concerns</b> (22)	<b>contractors</b> (6)
<b>children</b> (5)	<b>coming</b> (15)	<b>concluded</b> (1)	<b>contractor's</b> (1)
<b>chitchat</b> (1)	<b>comm</b> (1)	<b>conclusion</b> (1)	<b>contracts</b> (4)
<b>choice</b> (1)	<b>command</b> (2)	<b>condition</b> (4)	<b>contradict</b> (1)
<b>choose</b> (1)	<b>comment</b> (1)	<b>conditions</b> (3)	<b>contradiction</b> (1)
<b>chose</b> (3)	<b>commenting</b> (1)	<b>conduct</b> (11)	<b>contribute</b> (1)
<b>chosen</b> (1)	<b>comments</b> (4)	<b>conducted</b> (5)	<b>contributions</b> (1)
<b>Chrissy</b> (5)	<b>Commissioner</b> (17)	<b>conducting</b> (2)	<b>control</b> (1)
<b>Christina</b> (1)	<b>commissioners</b> (45)	<b>conduit</b> (2)	<b>controllers</b> (2)
<b>Christmas</b> (3)	<b>commissioner's</b> (10)	<b>conference</b> (3)	<b>convenience</b> (1)
<b>Christopher</b> (1)	<b>committed</b> (1)	<b>conferences</b> (1)	<b>conversation</b> (55)
<b>chronological</b> (1)	<b>committee</b> (13)	<b>confident</b> (1)	<b>conversations</b> (49)
<b>chronologically</b> (3)	<b>communicate</b> (10)	<b>CONFIDENTIAL</b> (3)	<b>convey</b> (1)
<b>circumstances</b> (11)	<b>communicated</b> (8)	<b>confidentiality</b> (5)	<b>conveyed</b> (4)
<b>CIVIL</b> (1)	<b>communicates</b> (2)	<b>confirm</b> (4)	<b>cookie</b> (1)
<b>claim</b> (20)	<b>communicating</b> (5)	<b>confirmation</b> (2)	<b>coordinate</b> (1)
<b>claims</b> (16)	<b>communication</b> (14)	<b>conflict</b> (1)	<b>coordinates</b> (1)
<b>Claire</b> (2)	<b>communications</b> (17)	<b>confused</b> (2)	<b>cop</b> (1)
<b>clarification</b> (2)	<b>communicator</b> (6)	<b>conjunction</b> (1)	<b>copied</b> (3)
<b>clarify</b> (5)	<b>community</b> (1)	<b>connection</b> (3)	<b>copies</b> (4)
<b>classes</b> (2)	<b>companies</b> (3)	<b>consensual</b> (1)	<b>copy</b> (16)
<b>classified</b> (1)	<b>company</b> (9)	<b>consent</b> (2)	<b>corner</b> (3)
<b>clause</b> (4)	<b>compared</b> (1)	<b>consider</b> (4)	<b>correct</b> (309)
<b>clean</b> (6)	<b>comparison</b> (1)	<b>consideration</b> (4)	<b>Correction</b> (2)
<b>cleaned</b> (14)	<b>compensation</b> (2)	<b>considerations</b> (1)	<b>correctively</b> (1)
<b>cleaning</b> (23)	<b>competing</b> (1)	<b>considered</b> (5)	<b>correctly</b> (9)
<b>cleanliness</b> (1)	<b>compilation</b> (1)	<b>considering</b> (1)	<b>correspondence</b> (8)
<b>cleans</b> (1)	<b>complain</b> (1)	<b>constraint</b> (1)	<b>cost</b> (1)
<b>clear</b> (12)	<b>complained</b> (1)	<b>consult</b> (2)	<b>costs</b> (1)
<b>clearer</b> (1)	<b>complaining</b> (1)	<b>consultant</b> (2)	<b>Counsel</b> (31)
<b>clearly</b> (2)	<b>complaint</b> (2)	<b>consultation</b> (7)	<b>count</b> (4)
<b>clerk</b> (1)	<b>complaints</b> (1)	<b>consulting</b> (2)	<b>counties</b> (1)
<b>clerk's</b> (3)	<b>complete</b> (27)	<b>consumed</b> (1)	<b>counts</b> (1)
<b>client</b> (6)	<b>completed</b> (12)	<b>contact</b> (8)	<b>COUNTY</b> (316)
<b>clients</b> (7)	<b>completely</b> (5)	<b>contain</b> (1)	<b>county-issued</b> (2)
<b>close</b> (1)	<b>completing</b> (2)	<b>contains</b> (1)	<b>county's</b> (18)
<b>closed</b> (2)	<b>completion</b> (5)	<b>contemporaneous</b> (1)	<b>couple</b> (8)
<b>closer</b> (2)	<b>compliance</b> (3)	<b>content</b> (2)	<b>courier</b> (1)
<b>closet</b> (2)	<b>complicated</b> (1)	<b>contents</b> (28)	<b>course</b> (6)
<b>clutter</b> (1)	<b>complied</b> (2)	<b>context</b> (1)	<b>courses</b> (3)
<b>COBRA</b> (4)	<b>comply</b> (1)	<b>continue</b> (11)	<b>COURT</b> (10)

<b>COURTHOUSE</b> (67)	<b>decision</b> (32)	<b>DEREK</b> (1)	<b>disappeared</b> (1)
<b>Courtroom</b> (5)	<b>decisions</b> (4)	<b>descended</b> (1)	<b>disbelieve</b> (1)
<b>cover</b> (1)	<b>Declaration</b> (6)	<b>described</b> (1)	<b>discharged</b> (1)
<b>coverage</b> (4)	<b>decline</b> (1)	<b>DESCRIPTION</b> (2)	<b>disclose</b> (4)
<b>covered</b> (1)	<b>dedicated</b> (1)	<b>descriptions</b> (1)	<b>disclosed</b> (1)
<b>COVID</b> (10)	<b>deducted</b> (1)	<b>design</b> (1)	<b>disclosing</b> (2)
<b>coworkers</b> (1)	<b>deeper</b> (1)	<b>designated</b> (1)	<b>discovered</b> (2)
<b>CPE</b> (11)	<b>defeated</b> (1)	<b>designed</b> (2)	<b>discrimination</b> (2)
<b>CPU</b> (1)	<b>Defendant</b> (101)	<b>desire</b> (4)	<b>discuss</b> (25)
<b>create</b> (5)	<b>Defendants</b> (4)	<b>desires</b> (1)	<b>discussed</b> (18)
<b>created</b> (3)	<b>defended</b> (1)	<b>desk</b> (3)	<b>discussing</b> (3)
<b>creates</b> (1)	<b>defense</b> (4)	<b>despite</b> (2)	<b>discussion</b> (17)
<b>creating</b> (2)	<b>defer</b> (1)	<b>detail</b> (1)	<b>discussions</b> (27)
<b>crew</b> (2)	<b>defined</b> (1)	<b>details</b> (1)	<b>disgusted</b> (1)
<b>crying</b> (1)	<b>definitely</b> (4)	<b>detectors</b> (2)	<b>disinfected</b> (3)
<b>cumbersome</b> (1)	<b>definitive</b> (3)	<b>determination</b> (2)	<b>dispatched</b> (1)
<b>cupcake</b> (1)	<b>degrading</b> (1)	<b>determine</b> (8)	<b>disrupt</b> (1)
<b>current</b> (5)	<b>degree</b> (3)	<b>determined</b> (3)	<b>disseminated</b> (1)
<b>Curtis</b> (1)	<b>delay</b> (6)	<b>detriment</b> (3)	<b>distance</b> (2)
<b>customer</b> (1)	<b>delayed</b> (2)	<b>Detweiler</b> (6)	<b>distinction</b> (3)
<b>customers</b> (4)	<b>delays</b> (1)	<b>development</b> (2)	<b>distributed</b> (1)
<b>cut</b> (2)	<b>delegation</b> (2)	<b>developmental</b> (3)	<b>distribution</b> (1)
<b>cutting</b> (1)	<b>delinquency</b> (2)	<b>develops</b> (1)	<b>DISTRICT</b> (2)
	<b>delinquent</b> (7)	<b>device</b> (1)	<b>DOCKET</b> (1)
<b>&lt; D &gt;</b>	<b>deliver</b> (1)	<b>devices</b> (1)	<b>document</b> (34)
<b>daily</b> (6)	<b>delivered</b> (1)	<b>DICKIE</b> (1)	<b>documentation</b> (1)
<b>damage</b> (2)	<b>delivering</b> (1)	<b>dictate</b> (2)	<b>DOCUMENTS</b> (10)
<b>dance</b> (1)	<b>delved</b> (2)	<b>dictated</b> (1)	<b>DOE</b> (73)
<b>date</b> (17)	<b>demeanor</b> (3)	<b>Dietrich</b> (3)	<b>doing</b> (27)
<b>dated</b> (1)	<b>Democrat</b> (1)	<b>difference</b> (2)	<b>DOJ</b> (1)
<b>dates</b> (3)	<b>demotion</b> (2)	<b>differences</b> (2)	<b>door</b> (19)
<b>dating</b> (1)	<b>denial</b> (1)	<b>different</b> (29)	<b>doors</b> (3)
<b>David</b> (1)	<b>denied</b> (3)	<b>difficult</b> (10)	<b>DOREEN</b> (5)
<b>day</b> (51)	<b>DENISE</b> (9)	<b>difficulties</b> (3)	<b>Doreen's</b> (1)
<b>days</b> (17)	<b>deny</b> (2)	<b>difficultly</b> (1)	<b>Dotty</b> (4)
<b>day-to-day</b> (12)	<b>department</b> (71)	<b>dig</b> (1)	<b>double</b> (1)
<b>dead</b> (1)	<b>departmental</b> (1)	<b>diploma</b> (2)	<b>draft</b> (13)
<b>deadline</b> (1)	<b>departments</b> (14)	<b>direct</b> (22)	<b>drafted</b> (14)
<b>deadlines</b> (3)	<b>department's</b> (1)	<b>directed</b> (11)	<b>drafting</b> (6)
<b>deal</b> (1)	<b>departure</b> (1)	<b>directing</b> (1)	<b>drawer</b> (2)
<b>dealing</b> (1)	<b>depend</b> (1)	<b>DIRECTION</b> (3)	<b>drawers</b> (1)
<b>dealt</b> (1)	<b>dependent</b> (1)	<b>directive</b> (1)	<b>dripping</b> (2)
<b>Deb</b> (6)	<b>depending</b> (3)	<b>directly</b> (12)	<b>driven</b> (1)
<b>DEBISE</b> (2)	<b>depends</b> (1)	<b>director</b> (23)	<b>driving</b> (5)
<b>Deborah</b> (1)	<b>DEPOSITION</b> (9)	<b>directors</b> (4)	<b>drop</b> (1)
<b>December</b> (24)	<b>depositions</b> (1)	<b>directory</b> (1)	<b>droppings</b> (1)
<b>decide</b> (3)	<b>depressed</b> (1)	<b>disability</b> (4)	<b>drug</b> (4)
<b>decided</b> (9)	<b>depth</b> (2)	<b>disabled</b> (1)	<b>dual</b> (1)
<b>decides</b> (1)	<b>deputy</b> (2)	<b>disagree</b> (7)	<b>dual-role</b> (1)

due (3)	employee's (4)	ESQUIRE (6)	Exhibit-277 (1)
duly (1)	employer (6)	essence (1)	Exhibit-278 (1)
duties (26)	employers (9)	essentially (3)	Exhibit-279 (1)
duty (3)	employment (20)	establish (1)	Exhibit-280 (1)
duty's (1)	empty (1)	established (2)	Exhibit-281 (1)
dynamic (2)	encounter (1)	estate (2)	Exhibit-282 (1)
< E >	encountered (2)	esthetics (1)	Exhibit-283 (1)
EAP (4)	encouraged (2)	estimate (1)	Exhibit-284 (1)
EAP's (1)	ended (5)	et (4)	Exhibit-285 (1)
earlier (16)	ends (1)	ethics (1)	Exhibit-286 (1)
earliest (1)	enforcement (2)	evaluate (2)	Exhibit-287 (1)
early (8)	engage (9)	evaluating (1)	Exhibit-288 (1)
earmarked (1)	engaged (4)	evening (1)	Exhibit-289 (1)
earn (1)	engaging (2)	event (6)	Exhibit-290 (1)
easier (3)	engineer (1)	events (6)	Exhibit-291 (2)
ed (1)	enjoy (1)	eventually (7)	Exhibit-292 (3)
Edelstein (2)	enroll (3)	Everest (2)	Exhibit-293 (1)
edited (1)	enrolled (4)	everybody (1)	Exhibit-294 (1)
edits (2)	enrollment (1)	everyday (1)	Exhibit-295 (2)
education (2)	ensure (5)	everyone's (1)	Exhibit-61 (2)
EEO (5)	entailed (1)	exact (4)	Exhibit-72 (3)
EEOC (9)	enter (18)	exactly (6)	EXHIBITS (2)
effect (3)	entered (8)	Examination (1)	existed (2)
effectively (8)	entering (7)	examined (1)	exists (2)
efficiently (2)	entire (5)	example (1)	exit (1)
effort (1)	entirety (2)	excess (1)	exited (1)
either (23)	entities (2)	exchange (3)	exiting (2)
Elaine (4)	entitled (1)	exchanged (1)	expect (2)
elected (5)	entrance (30)	exclude (1)	expectation (2)
election (2)	entrances (1)	excusal (1)	expectations (1)
electronic (2)	entry (2)	excused (2)	expected (3)
elevator (1)	envelope (6)	excusing (1)	expense (7)
elicit (2)	environment (24)	execute (2)	expenses (5)
eligibility (8)	equalization (4)	executed (8)	experience (17)
eligible (5)	equip (1)	exempt (5)	experienced (3)
else's (1)	equipment (42)	EXHIBIT (41)	experiencing (3)
e-mail (186)	equivalent (1)	Exhibit-100 (2)	expiration (1)
e-mailed (1)	ergonomically (1)	Exhibit-107 (2)	expired (2)
e-mailing (1)	ERRATA (1)	Exhibit-111 (3)	explain (4)
e-mails (11)	erratic (3)	Exhibit-17 (2)	explained (1)
embarrassed (1)	erratically (1)	Exhibit-19 (4)	explanation (1)
emphatically (1)	escort (3)	Exhibit-20 (1)	expose (1)
employed (14)	escorted (7)	Exhibit-21 (3)	exposing (1)
employee (57)	escorting (1)	Exhibit-229 (2)	expressed (3)
employee-related (1)	e-signature (2)	Exhibit-230 (3)	extend (1)
employee-relations (1)	especially (1)	Exhibit-232 (2)	extended (4)
employees (50)	espoused (2)	Exhibit-233 (3)	extent (14)
	espouses (1)	Exhibit-275 (1)	extenuating (4)
	espousing (1)	Exhibit-276 (1)	extra (1)



extreme (2)  
extremely (2)  
eyes (1)

< F >

face (2)  
faced (1)  
facilitate (2)  
facilitates (2)  
fact (31)  
facts (2)  
failed (2)  
failure (1)  
fair (21)  
falls (1)  
familiar (1)  
far (9)  
farther (1)  
fashion (1)  
favor (1)  
favorable (1)  
February (4)  
federal (1)  
feedback (1)  
feel (16)  
feeling (2)  
feelings (2)  
feels (1)  
fell (1)  
felt (12)  
Fetterolf (1)  
fiance (1)  
field (19)  
fields (1)  
fifth (1)  
figure (15)  
file (14)  
filed (9)  
files (4)  
filing (6)  
fill (4)  
filled (2)  
filthy (1)  
final (5)  
finally (3)  
finance (2)  
find (10)  
finding (1)  
findings (1)

fine (4)  
finish (2)  
firm (2)  
first (91)  
fiscal (8)  
fit (1)  
five (10)  
five-minute (1)  
five-panel (1)  
flat (1)  
flexibility (1)  
flush (1)  
FMLA (2)  
focus (2)  
focusing (1)  
folder (1)  
folders (4)  
follow (3)  
followed (1)  
following (7)  
follows (1)  
follow-up (1)  
footage (1)  
forbidden (2)  
force (1)  
forecast (1)  
forego (1)  
foregoing (1)  
forever (1)  
forget (1)  
forgoed (1)  
form (65)  
formal (1)  
formally (1)  
formed (1)  
former (1)  
forms (1)  
forward (2)  
forwarded (8)  
forwarding (2)  
foul (1)  
found (6)  
four (17)  
fourth (1)  
frame (11)  
free (5)  
freedom (1)  
Friday (8)  
front (13)

fruition (1)  
frustrated (5)  
frustrating (1)  
Frustration (5)  
frustrations (1)  
Fucci (2)  
fulfill (2)  
full (8)  
fullest (1)  
full-time (4)  
fully (6)  
functioning (3)  
fund (1)  
funding (1)  
funds (4)  
funeral (1)  
furlough (3)  
furloughed (2)  
further (6)  
futile (1)

< G >

Gaffney (3)  
gain (1)  
gained (1)  
garage (1)  
Garrity (8)  
Gary (33)  
Gary's (1)  
gather (2)  
gears (2)  
GED (1)  
GEIGER (5)  
gender (1)  
general (9)  
Generally (2)  
generals (2)  
general's (1)  
generate (1)  
generated (1)  
generator (2)  
gentleman (1)  
geographical (1)  
George (31)  
George's (1)  
Ger (1)  
GERARD (1)  
GERCHAK (70)  
Gerchak's (4)

Gerry (2)  
getting (14)  
ggeiger@newmanwilli  
ams.com (1)  
Gilbert (3)  
give (19)  
given (29)  
gives (3)  
giving (4)  
Glenn (31)  
go (63)  
goes (7)  
going (150)  
Good (16)  
Goodman (182)  
Goodman's (17)  
Gotcha (1)  
Govern (3)  
governments (1)  
governs (1)  
Grant (2)  
granted (1)  
great (1)  
greatest (2)  
grievance (5)  
Groody (15)  
Groody's (2)  
GROUP (1)  
guess (25)  
guidelines (2)  
guise (1)  
Gulf (1)  
guy (1)  
guys (10)

< H >

Hal (1)  
Halcovage (106)  
Halcovage's (22)  
Hale (5)  
H-A-L-E (2)  
half (5)  
halfway (3)  
hall (2)  
hallway (5)  
hand (3)  
handbook (1)  
handing (1)  
handle (3)

handled (3)	home (80)	incident (4)	intention (4)
hands (1)	homes (4)	include (7)	intents (1)
handwritten (1)	honest (1)	included (5)	interact (1)
happen (12)	Honestly (1)	includes (4)	interacted (1)
happened (25)	hoped (1)	including (12)	interacting (1)
happening (2)	hopeful (1)	income (1)	interaction (5)
happens (3)	hopefully (1)	incoming (2)	interactions (1)
happy (2)	hostile (10)	incomplete (1)	interactive (8)
harasser (1)	hour (13)	increase (6)	interest (6)
harassment (27)	hourly (3)	increased (1)	interested (1)
hard (6)	hours (54)	increments (1)	interfere (2)
harm (1)	HR (59)	incurred (1)	interfered (1)
Harrisburg (3)	Hubric (17)	Independence (1)	interim (10)
Hatter (1)	Hubric's (2)	independent (2)	interject (1)
hazards (1)	human (20)	independently (1)	Intermediate (1)
head (8)	hundred (2)	INDEX (1)	internally (2)
header (1)	hype (1)	indicate (6)	Internet (3)
heads (5)	hypothetical (1)	indicated (7)	INTERROGATION
health (10)	hypothetically (1)	indicates (17)	(1)
hear (5)	< I >	indicating (3)	interruption (1)
heard (3)	iceberg (1)	individual (18)	interview (7)
hearing (2)	idea (4)	individuals (28)	interviewing (2)
hearings (2)	ideal (2)	individual's (1)	interviews (8)
heater (1)	identical (4)	influence (5)	intimidated (1)
Heather (26)	identification (22)	inform (7)	intimidating (1)
Heidi (8)	identified (1)	informal (2)	intimidation (3)
Heinbach (11)	illegal (1)	information (30)	intranet (2)
held (24)	image (1)	informed (24)	introduction (2)
Helene (11)	image (1)	informing (4)	Introductions (2)
Helene's (1)	imagine (2)	inherently (2)	inundate (1)
help (5)	immersive (1)	initial (12)	invested (1)
helpful (2)	impact (7)	initially (3)	investigate (4)
Hess (6)	impacted (5)	initiate (1)	investigated (1)
Hetherington (3)	impacts (1)	initiation (1)	investigation (16)
hey (9)	impairs (1)	in-person (3)	invite (1)
high (2)	implementation (1)	input (4)	involuntarily (1)
Higher (3)	implemented (1)	inputted (1)	involve (2)
highway (2)	implementing (1)	inquires (2)	involved (41)
Hill (3)	implore (1)	inquiring (1)	involvement (5)
hinder (1)	important (10)	installed (3)	involves (1)
hindered (2)	impose (2)	installing (1)	involving (3)
hire (3)	imposed (7)	instance (3)	iPads (1)
hired (4)	imposes (3)	instruct (8)	issue (24)
hiring (1)	impossible (4)	instructed (23)	issued (1)
Hoffman (2)	impression (5)	instructing (2)	issues (31)
hold (11)	inability (4)	instruction (10)	item (4)
Holding (1)	inaccurate (3)	instructions (3)	items (19)
holds (1)	inaudible (1)	instrumental (1)	its (5)
holiday (1)	incapable (1)	insurance (2)	

## &lt; J &gt;

JANE (12)  
 January (27)  
 JFK (1)  
 Joan (1)  
 job (34)  
 JOCELYN (2)  
 join (5)  
 joined (1)  
 JONES (1)  
 Joseph (2)  
 judge (4)  
 judicial (8)  
 July (2)  
 jump (2)  
 June (1)  
 junior (1)  
 jury (4)  
 justifiably (1)  
 justification (2)  
 justified (3)

## &lt; K &gt;

Katz (1)  
 keep (8)  
 keeping (2)  
 kept (2)  
 key (1)  
 keyboards (1)  
 keycard (7)  
 keys (13)  
 kicked (1)  
 kind (38)  
 Kleck (1)  
 Kleckner (144)  
 Kleckner's (17)  
 knee (1)  
 knew (20)  
 know (224)  
 knowing (6)  
 knowledgable (1)  
 knowledge (99)  
 known (4)  
 knows (3)  
 Kraft (2)  
 KUTZLER (36)

## &lt; L &gt;

lack (10)

ladies (5)  
 landing (1)  
 laptop (15)  
 laptops (11)  
 large (2)  
 largest (1)  
 late (3)  
 Laurel (1)  
 Law (9)  
 layout (1)  
 leadership (1)  
 leading (2)  
 leads (1)  
 learn (7)  
 learned (11)  
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 leave (18)  
 leaving (3)  
 led (1)  
 LEES (48)  
 left (12)  
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 legal (2)  
 length (1)  
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 letters (2)  
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 level (6)  
 levels (2)  
 liabilities (1)  
 liability (1)  
 license (4)  
 licenses (2)  
 lie (2)  
 lies (1)  
 life (3)  
 light (2)  
 likelihood (1)  
 likewise (2)  
 limited (2)  
 Linda (3)  
 LINE (23)  
 lines (1)  
 LinkedIn (1)  
 Lisa (3)  
 list (8)  
 listed (4)  
 listen (2)  
 listened (2)

listening (1)  
 lists (3)  
 litigation (4)  
 little (19)  
 live (1)  
 local (2)  
 located (4)  
 location (11)  
 locations (5)  
 locked (1)  
 logical (1)  
 long (11)  
 longer (8)  
 long-time (1)  
 look (72)  
 looked (8)  
 looking (11)  
 looks (5)  
 lot (29)  
 lots (3)  
 loud (3)  
 lower (4)  
 lunch (3)  
 luncheon (1)

## &lt; M &gt;

main (10)  
 maintain (2)  
 maintained (1)  
 maintenance (16)  
 majority (1)  
 making (15)  
 Males (1)  
 Mall (1)  
 man (2)  
 manage (6)  
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 management (6)  
 manager (9)  
 managerial (3)  
 managers (1)  
 manages (4)  
 managing (3)  
 mandate (1)  
 mandated (2)  
 mandates (1)  
 manipulate (3)  
 manipulated (2)  
 manpower (2)

March (8)  
 Marcy (20)  
 Marcy's (1)  
 Margolis (2)  
 MARIA (6)  
 mark (9)  
 MARKED (50)  
 Market (2)  
 married (1)  
 Marybeth (1)  
 Matascavage (46)  
 Matascavage's (3)  
 material (1)  
 materials (2)  
 maternity (2)  
 MATT (17)  
 matter (8)  
 matters (1)  
 Mayer (1)  
 Mayhall (4)  
 MCCAMEY (1)  
 meal (1)  
 mean (26)  
 meaning (8)  
 means (2)  
 meant (5)  
 mechanism (1)  
 medical (2)  
 medication (1)  
 meet (31)  
 meeting (62)  
 meetings (7)  
 MEGHAN (3)  
 Melissa (14)  
 member (1)  
 memo (1)  
 memorialization (1)  
 memorialize (2)  
 memorialized (1)  
 men (1)  
 MENDEZ (3)  
 mental (6)  
 mention (5)  
 mentioned (11)  
 mentioning (2)  
 MESSNER (1)  
 met (35)  
 metal (2)  
 meter (1)

<b>metered</b> (3)	<b>mpipak@jonespassode</b>	<b>normal</b> (1)	<b>offer</b> (5)
<b>meth</b> (1)	<b>lis.com</b> (1)	<b>normally</b> (3)	<b>offered</b> (6)
<b>mice</b> (1)	<b>multiple</b> (3)	<b>north</b> (21)	<b>offers</b> (1)
<b>mid</b> (5)	<b>Murphy's</b> (2)	<b>Nos</b> (1)	<b>office</b> (144)
<b>MIDDLE</b> (9)	<b>mwynkoop@margolise</b>	<b>Notary</b> (2)	<b>officer</b> (2)
<b>middleman</b> (2)	<b>delstein.com</b> (1)	<b>note</b> (15)	<b>officers</b> (1)
<b>mile</b> (2)		<b>noted</b> (1)	<b>Offices</b> (63)
<b>min</b> (1)	<b>&lt; N &gt;</b>	<b>notes</b> (11)	<b>office's</b> (1)
<b>mind</b> (3)	<b>name</b> (18)	<b>nothing's</b> (1)	<b>official</b> (4)
<b>minimal</b> (1)	<b>named</b> (12)	<b>notice</b> (2)	<b>officials</b> (13)
<b>minimalized</b> (1)	<b>narrowed</b> (1)	<b>noticed</b> (1)	<b>off-site</b> (1)
<b>minimum</b> (4)	<b>natural</b> (2)	<b>notifications</b> (1)	<b>Oh</b> (26)
<b>minium</b> (1)	<b>nature</b> (4)	<b>notified</b> (4)	<b>Okay</b> (645)
<b>minute</b> (1)	<b>navigate</b> (1)	<b>November</b> (15)	<b>old</b> (3)
<b>minutes</b> (5)	<b>near</b> (1)	<b>NUMBER</b> (26)	<b>once</b> (8)
<b>MIS</b> (7)	<b>necessarily</b> (4)	<b>numbered</b> (3)	<b>once-a-week</b> (1)
<b>mischaracterized</b> (1)	<b>necessary</b> (11)	<b>numbers</b> (1)	<b>one-day</b> (1)
<b>misconstrue</b> (1)	<b>need</b> (20)	<b>numerous</b> (1)	<b>ones</b> (4)
<b>misconstrued</b> (2)	<b>needed</b> (35)		<b>on-job</b> (1)
<b>misrepresented</b> (1)	<b>needing</b> (1)	<b>&lt; O &gt;</b>	<b>on-site</b> (1)
<b>missed</b> (1)	<b>needs</b> (7)	<b>oath</b> (1)	<b>open</b> (8)
<b>missing</b> (1)	<b>negatively</b> (1)	<b>obj</b> (1)	<b>operate</b> (5)
<b>misspoke</b> (1)	<b>negotiate</b> (1)	<b>object</b> (37)	<b>operated</b> (1)
<b>Missy</b> (8)	<b>negotiated</b> (1)	<b>objecting</b> (2)	<b>operating</b> (4)
<b>Missy's</b> (1)	<b>negotiations</b> (12)	<b>objection</b> (44)	<b>operational</b> (4)
<b>mistake</b> (1)	<b>nervous</b> (1)	<b>objections</b> (2)	<b>operations</b> (13)
<b>mistaken</b> (1)	<b>Nester</b> (7)	<b>obligation</b> (1)	<b>opinion</b> (11)
<b>mobile</b> (1)	<b>never</b> (20)	<b>obligations</b> (1)	<b>opinions</b> (1)
<b>mold</b> (1)	<b>nevermind</b> (1)	<b>observation</b> (1)	<b>opportunity</b> (3)
<b>mom</b> (1)	<b>new</b> (19)	<b>observational</b> (1)	<b>opposed</b> (8)
<b>moment</b> (1)	<b>newly</b> (2)	<b>observe</b> (1)	<b>optimal</b> (1)
<b>Monday</b> (7)	<b>NEWMAN</b> (1)	<b>observed</b> (9)	<b>optimally</b> (7)
<b>monetary</b> (1)	<b>news</b> (5)	<b>observing</b> (4)	<b>option</b> (6)
<b>money</b> (23)	<b>newspaper</b> (1)	<b>obstacles</b> (3)	<b>options</b> (3)
<b>monies</b> (1)	<b>Nice</b> (1)	<b>obtain</b> (7)	<b>order</b> (23)
<b>monitor</b> (1)	<b>nine</b> (1)	<b>obviously</b> (6)	<b>ordered</b> (6)
<b>monitors</b> (7)	<b>nod</b> (1)	<b>occasion</b> (2)	<b>ordering</b> (3)
<b>monopolize</b> (1)	<b>non-commissioners</b>	<b>occasions</b> (4)	<b>orders</b> (2)
<b>Monroe</b> (1)	(1)	<b>occupancy</b> (2)	<b>organization</b> (2)
<b>month</b> (2)	<b>noncompliance</b> (2)	<b>occupation</b> (1)	<b>original</b> (1)
<b>monthly</b> (1)	<b>non-contract</b> (1)	<b>occupied</b> (4)	<b>originally</b> (9)
<b>months</b> (1)	<b>nondisclosure</b> (1)	<b>occur</b> (14)	<b>outcome</b> (1)
<b>moot</b> (1)	<b>non-discrimination</b>	<b>occurred</b> (9)	<b>outlining</b> (2)
<b>morning</b> (8)	(1)	<b>occurring</b> (4)	<b>outright</b> (2)
<b>mouse</b> (1)	<b>non-events</b> (1)	<b>O'Connor</b> (16)	<b>Outside</b> (23)
<b>move</b> (9)	<b>Non-exempt</b> (5)	<b>O'Connor's</b> (7)	<b>overflow</b> (6)
<b>moved</b> (12)	<b>non-hours</b> (1)	<b>October</b> (36)	<b>overlap</b> (1)
<b>movement</b> (6)	<b>non-paid</b> (3)	<b>odd</b> (3)	<b>overrule</b> (2)
<b>movements</b> (3)	<b>nonprofit</b> (2)	<b>odor</b> (1)	<b>oversaw</b> (1)
<b>moving</b> (2)			

oversight (3)	payroll (1)	plans (4)	prescreening (1)
overtime (2)	penalized (1)	platform (3)	presence (3)
overworked (1)	pending (1)	play (2)	PRESENT (20)
owed (1)	PENNSYLVANIA (9)	played (1)	presentation (2)
< P >	pens (3)	plead (1)	presentations (1)
P.C (1)	people (7)	please (10)	presented (3)
p.m (17)	perceive (2)	plees@dmclaw.com (1)	presenting (1)
P.O (1)	percent (1)	plenty (1)	preserved (2)
PA (1)	perception (1)	PLLC (1)	president (1)
PA.gov (1)	Perfect (4)	plus (1)	press (1)
pad (1)	perfectly (1)	PO (2)	pressure (1)
PAGE (71)	perform (5)	point (47)	pretty (4)
pages (6)	performance (3)	pointing (1)	prevent (1)
paid (20)	performed (2)	points (5)	PREVIOUSLY (30)
pamphlets (1)	performing (4)	police (9)	Price (1)
panic (3)	period (16)	policies (5)	primary (1)
paper (4)	periodic (1)	policy (19)	print (2)
paperclips (4)	periodically (2)	political (1)	printer (13)
papers (1)	periods (2)	pool (9)	printers (14)
paperwork (1)	permissible (1)	poorly (1)	prior (36)
PAR (4)	permitted (13)	pose (1)	priority (1)
paragraph (39)	perpetrator (1)	posed (6)	prison (2)
paragraphs (2)	person (15)	position (26)	private (1)
PARALEGAL (2)	personal (7)	positions (7)	priveledged (1)
parents (1)	personally (3)	positive (2)	privilege (14)
park (7)	personnel (16)	possession (4)	privileged (4)
parked (1)	perspective (9)	possible (11)	privy (1)
parking (34)	perspectively (3)	Possibly (2)	probably (18)
parse (1)	pertaining (1)	post (1)	procedure (1)
part (20)	Peter (1)	posted (2)	procedures (5)
parted (1)	Philadelphia (2)	posting (3)	proceed (1)
participate (1)	philanthropic (1)	postings (2)	proceeded (1)
participated (1)	Phoenix (1)	post-secondary (1)	process (12)
particular (5)	phone (12)	potential (2)	processing (1)
particularly (1)	phones (3)	potentially (7)	produced (2)
parties (1)	physical (4)	power (5)	PRODUCTION (1)
part-time (1)	physically (3)	pract (1)	productive (2)
pass (1)	pick (2)	practical (1)	professional (3)
passed (1)	picked (2)	practice (2)	professionally (3)
PASSODELIS (1)	piece (2)	practices (4)	program (9)
paste (1)	PIPAK (81)	precontract (1)	programs (2)
path (1)	Pittsburgh (1)	predominantly (1)	progression (1)
PAUL (22)	place (14)	preferred (1)	prohibit (1)
Paul's (1)	placed (4)	prep (1)	project (4)
pause (1)	Plaintiff (9)	Preparation (1)	projected (1)
pay (17)	plaintiffs (54)	prepare (1)	projecting (1)
paying (1)	plaintiff's (1)	prepared (5)	promoted (1)
payment (2)	plan (7)	preparing (1)	proper (4)
	planned (7)		properties (1)



prospectively (1)  
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 protocol (1)  
 protocols (3)  
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 provided (37)  
 providers (1)  
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 proximity (1)  
 PTO (15)  
 Public (9)  
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 purchase (3)  
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 purpose (3)  
 purposes (12)  
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 purview (1)  
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 pushback (2)  
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 pushing (1)  
 put (32)  
 putting (3)

## &lt; Q &gt;

qualified (1)  
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## &lt; R &gt;

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 rephrase (6)  
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 REPORTER (5)  
 Reporting (9)  
 reports (38)  
 represent (2)  
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 REQUEST (42)  
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 responding (8)

<b>responds</b> (2)	<b>rude</b> (1)	<b>Senior</b> (3)	<b>sign</b> (10)
<b>response</b> (46)	<b>run</b> (6)	<b>sense</b> (7)	<b>signature</b> (2)
<b>responses</b> (2)	<b>running</b> (8)	<b>sensitive</b> (2)	<b>signed</b> (16)
<b>responsibilities</b> (16)	<b>runs</b> (1)	<b>sent</b> (25)	<b>significant</b> (1)
<b>responsibility</b> (4)	<b>&lt; S &gt;</b>	<b>sentence</b> (33)	<b>significantly</b> (1)
<b>responsible</b> (2)	<b>safe</b> (8)	<b>separate</b> (2)	<b>signing</b> (2)
<b>restrictions</b> (1)	<b>safety</b> (6)	<b>September</b> (18)	<b>similar</b> (4)
<b>restructuring</b> (3)	<b>sake</b> (1)	<b>serial</b> (2)	<b>simple</b> (3)
<b>result</b> (8)	<b>salary</b> (4)	<b>seriously</b> (1)	<b>simply</b> (7)
<b>resume</b> (9)	<b>sale</b> (6)	<b>SERV</b> (1)	<b>simultaneous</b> (1)
<b>resumes</b> (1)	<b>sales</b> (7)	<b>serve</b> (2)	<b>simultaneously</b> (2)
<b>retained</b> (4)	<b>Saturday</b> (4)	<b>served</b> (1)	<b>sit</b> (4)
<b>retaining</b> (2)	<b>Saturdays</b> (1)	<b>SERVEPRO's</b> (1)	<b>site</b> (3)
<b>retaliation</b> (3)	<b>saw</b> (5)	<b>service</b> (7)	<b>sits</b> (1)
<b>retaliatory</b> (1)	<b>saying</b> (16)	<b>services</b> (18)	<b>situated</b> (1)
<b>retention</b> (1)	<b>says</b> (37)	<b>SERVPRO</b> (12)	<b>situation</b> (17)
<b>retired</b> (1)	<b>scared</b> (3)	<b>session</b> (16)	<b>size</b> (2)
<b>retirement</b> (1)	<b>schedule</b> (5)	<b>sessions</b> (3)	<b>slap</b> (1)
<b>return</b> (6)	<b>scheduled</b> (13)	<b>set</b> (19)	<b>slight</b> (1)
<b>returned</b> (1)	<b>scheduling</b> (3)	<b>setting</b> (3)	<b>slightly</b> (1)
<b>reveal</b> (1)	<b>scheme</b> (1)	<b>setup</b> (2)	<b>smaller</b> (3)
<b>revenue</b> (2)	<b>school</b> (6)	<b>seven</b> (2)	<b>smell/odor</b> (1)
<b>review</b> (11)	<b>SCHUYLKILL</b> (20)	<b>sex</b> (1)	<b>SMITH</b> (216)
<b>reviewed</b> (5)	<b>Schuylkill's</b> (1)	<b>sexual</b> (22)	<b>snake</b> (2)
<b>revision</b> (1)	<b>Scott</b> (3)	<b>shaking</b> (1)	<b>snow</b> (1)
<b>revoke</b> (1)	<b>screen</b> (8)	<b>shame</b> (1)	<b>software</b> (1)
<b>revoked</b> (1)	<b>scribed</b> (3)	<b>share</b> (4)	<b>sole</b> (2)
<b>Reynolds</b> (3)	<b>script</b> (1)	<b>shared</b> (4)	<b>solely</b> (2)
<b>RFP</b> (1)	<b>scroll</b> (5)	<b>she'd</b> (1)	<b>solicitation</b> (1)
<b>right</b> (153)	<b>sealed</b> (1)	<b>sheer</b> (1)	<b>solicitations</b> (1)
<b>right-hand</b> (1)	<b>searching</b> (1)	<b>SHEET</b> (1)	<b>Solicitor</b> (8)
<b>risk</b> (9)	<b>second</b> (54)	<b>sheets</b> (3)	<b>solicitors</b> (3)
<b>risks</b> (1)	<b>secretarial</b> (9)	<b>Sheriff</b> (17)	<b>Solicitor's</b> (2)
<b>Road</b> (8)	<b>secure</b> (6)	<b>sheriff's</b> (4)	<b>solo</b> (1)
<b>roadblocks</b> (1)	<b>security</b> (1)	<b>ship</b> (1)	<b>solution</b> (2)
<b>rob</b> (1)	<b>see</b> (41)	<b>shipping</b> (1)	<b>Solutions</b> (4)
<b>role</b> (14)	<b>seeing</b> (4)	<b>shocked</b> (1)	<b>somebody</b> (3)
<b>roles</b> (2)	<b>seek</b> (1)	<b>short</b> (2)	<b>someone's</b> (2)
<b>rolled</b> (1)	<b>seen</b> (5)	<b>shortest</b> (1)	<b>somewhat</b> (7)
<b>room</b> (9)	<b>select</b> (2)	<b>shorthanded</b> (1)	<b>soon</b> (3)
<b>root</b> (1)	<b>selected</b> (7)	<b>shortly</b> (5)	<b>sooner</b> (1)
<b>Roth</b> (56)	<b>selection</b> (2)	<b>short-term</b> (6)	<b>sorry</b> (55)
<b>Roth's</b> (1)	<b>self</b> (2)	<b>show</b> (11)	<b>sort</b> (8)
<b>roughly</b> (2)	<b>seminars</b> (1)	<b>showed</b> (1)	<b>sound</b> (1)
<b>route</b> (2)	<b>Senate</b> (2)	<b>shown</b> (3)	<b>sounded</b> (1)
<b>row</b> (3)	<b>send</b> (9)	<b>sick</b> (8)	<b>sounds</b> (4)
<b>RP</b> (3)	<b>sending</b> (1)	<b>side</b> (3)	<b>source</b> (1)
<b>RPR</b> (3)	<b>sends</b> (1)	<b>sight</b> (5)	<b>space</b> (11)
<b>RSVP'd</b> (1)		<b>sighting</b> (1)	<b>spaces</b> (9)

<b>speak</b> (48)	<b>steno</b> (1)	<b>summary</b> (4)	<b>tell</b> (43)
<b>speaking</b> (4)	<b>stenographic</b> (1)	<b>summer</b> (1)	<b>telling</b> (5)
<b>speaks</b> (4)	<b>step</b> (6)	<b>Sunday</b> (1)	<b>tells</b> (2)
<b>spearheaded</b> (1)	<b>steps</b> (15)	<b>supervise</b> (1)	<b>temporary</b> (8)
<b>SPECIALIST</b> (4)	<b>stint</b> (14)	<b>supervisor</b> (21)	<b>ten</b> (3)
<b>specialize</b> (2)	<b>stipulations</b> (1)	<b>supervisors</b> (7)	<b>tendency</b> (1)
<b>specialized</b> (1)	<b>stop</b> (6)	<b>supervisory</b> (2)	<b>term</b> (6)
<b>specific</b> (20)	<b>stopped</b> (3)	<b>supplement</b> (13)	<b>termed</b> (3)
<b>specifically</b> (31)	<b>stopping</b> (2)	<b>Supplemental</b> (6)	<b>terminated</b> (2)
<b>specifics</b> (3)	<b>storage</b> (1)	<b>supplementary</b> (1)	<b>termination</b> (2)
<b>speculate</b> (1)	<b>stored</b> (1)	<b>supplies</b> (19)	<b>terminology</b> (1)
<b>speed</b> (4)	<b>Strayer</b> (1)	<b>supply</b> (3)	<b>terms</b> (2)
<b>spent</b> (5)	<b>Street</b> (11)	<b>support</b> (11)	<b>test</b> (1)
<b>spirit</b> (1)	<b>stress</b> (1)	<b>supported</b> (2)	<b>tested</b> (3)
<b>spite</b> (2)	<b>stressed</b> (2)	<b>supporting</b> (3)	<b>testified</b> (8)
<b>split</b> (3)	<b>Strictly</b> (1)	<b>supposed</b> (12)	<b>testify</b> (4)
<b>spoke</b> (9)	<b>strike</b> (20)	<b>Sure</b> (33)	<b>testifying</b> (3)
<b>spoken</b> (5)	<b>Stroudsburg</b> (1)	<b>surrounding</b> (1)	<b>testimony</b> (11)
<b>sporadically</b> (1)	<b>study</b> (1)	<b>surveillance</b> (2)	<b>testing</b> (1)
<b>spot</b> (3)	<b>stuff</b> (3)	<b>swearing</b> (7)	<b>tests</b> (1)
<b>spots</b> (2)	<b>style</b> (2)	<b>swipe</b> (1)	<b>Thank</b> (9)
<b>St</b> (2)	<b>subject</b> (1)	<b>switch</b> (3)	<b>Thanks</b> (1)
<b>staff</b> (8)	<b>subjected</b> (1)	<b>switching</b> (2)	<b>thereof</b> (2)
<b>staffed</b> (1)	<b>submission</b> (3)	<b>sworn</b> (1)	<b>Theresa</b> (1)
<b>staffing</b> (9)	<b>submissions</b> (4)	<b>system</b> (6)	<b>thing</b> (7)
<b>stained</b> (3)	<b>submit</b> (9)	<b>systems</b> (2)	<b>things</b> (17)
<b>stairs</b> (3)	<b>submitted</b> (10)		<b>think</b> (184)
<b>stalking</b> (1)	<b>subordinate</b> (2)	<b>&lt; T &gt;</b>	<b>thinking</b> (3)
<b>stamped</b> (1)	<b>subpoena</b> (3)	<b>take</b> (49)	<b>third</b> (6)
<b>stamps</b> (1)	<b>subpoenaed</b> (3)	<b>taken</b> (12)	<b>Thirty-plus</b> (1)
<b>Stan</b> (6)	<b>subsequent</b> (2)	<b>takes</b> (3)	<b>Thomas</b> (2)
<b>stance</b> (1)	<b>substance</b> (1)	<b>talk</b> (11)	<b>thought</b> (35)
<b>standard</b> (2)	<b>substantial</b> (1)	<b>talked</b> (13)	<b>thoughts</b> (5)
<b>standards</b> (1)	<b>success</b> (1)	<b>talking</b> (12)	<b>three</b> (8)
<b>standing</b> (1)	<b>successful</b> (3)	<b>talks</b> (3)	<b>tie</b> (1)
<b>staples</b> (1)	<b>successor</b> (5)	<b>tape</b> (2)	<b>Tiffany</b> (3)
<b>start</b> (22)	<b>successors</b> (1)	<b>task</b> (4)	<b>tile</b> (2)
<b>started</b> (20)	<b>successor's</b> (1)	<b>tasks</b> (5)	<b>tiles</b> (8)
<b>starting</b> (4)	<b>sudden</b> (1)	<b>tax</b> (82)	<b>time</b> (177)
<b>state</b> (18)	<b>sufficient</b> (7)	<b>team</b> (1)	<b>time-individuals</b> (1)
<b>stated</b> (7)	<b>suggest</b> (1)	<b>technical</b> (2)	<b>timekeeping</b> (1)
<b>statement</b> (6)	<b>suggested</b> (7)	<b>technically</b> (2)	<b>timely</b> (1)
<b>statements</b> (3)	<b>suggesting</b> (1)	<b>TECHNICIAN</b> (3)	<b>times</b> (11)
<b>STATES</b> (33)	<b>suggestion</b> (5)	<b>technicians</b> (1)	<b>timing</b> (5)
<b>stating</b> (2)	<b>suggestions</b> (1)	<b>technological</b> (1)	<b>tiny</b> (1)
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# EXHIBIT

## P23

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JANE DOE, et al.,	:	UNITED STATES DISTRICT COURT
Plaintiff	:	MIDDLE DISTRICT OF PENNSYLVANIA
v.	:	
SCHUYLKILL COUNTY	:	CIVIL DOCKET NO:
COURTHOUSE, et al.,	:	3:21-CV-00477
Defendants	:	

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VOLUME II

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TRANSCRIPT MARKED CONFIDENTIAL

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VIDEOTAPE DEPOSITION OF DOREEN KUTZLER

taken at the Law Offices of Margolis Edelstein,  
214 Senate Avenue, Suite 402, Camp Hill,  
Pennsylvania 17011 on Thursday, January 26, 2023  
at 9:01 a.m. before Coleen Trifun, RPR and Notary  
Public.

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1 ALSO PRESENT:

2 ALEISHA CATTS, VIDEO SPECIALIST

3 MATT MESSNER, TECHNICIAN (Via Zoom)

4 ALYSSA DEBISE, PARALEGAL

5 JANE DOE 3 (Via Zoom)

6 JANE DOE 4 (Via Zoom)

7 GEORGE HALCOVAGE (Via Zoom)

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4 WITNESS INTERROGATION BY PAGE

5 DOREEN KUTZLER

6 By Ms. Smith 7

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8 EXHIBITS

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10 EXHIBIT NUMBER DESCRIPTION PAGE

11 Exhibit-296 SC 206-207 15

12 - - -

13 PREVIOUSLY MARKED EXHIBITS

14 Exhibit-43 Page 8 Exhibit-118 Page 21

15 Exhibit-226 Page 47 Exhibit-137 Page 49

16 Exhibit-120 Page 57 Exhibit-139 Page 60

17 Exhibit-30 Page 67 Exhibit-106 Page 79

18 Exhibit-97 Page 79 Exhibit-98 Page 79

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CONFIDENTIAL

1                   DIRECTION TO WITNESS NOT TO ANSWER

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13                   REQUEST FOR PRODUCTION OF DOCUMENTS

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<p style="text-align: right;">Page 6</p> <p>1 VIDEOGRAPHER: We're now on the</p> <p>2 record. Today's date is January 26, 2023, and the</p> <p>3 time is approximately 9:01 a.m. This is the</p> <p>4 recorded video deposition of Doreen Kutzler,</p> <p>5 Volume II, in the matter of Jane Doe et al versus</p> <p>6 Schuylkill County Courthouse et al. This</p> <p>7 deposition is being held at 214 Senate Avenue in</p> <p>8 Kent -- in Camp Hill, Pennsylvania.</p> <p>9 My name is Aleisha Catts from</p> <p>10 Everest Court Reporting, I'm the video specialist.</p> <p>11 The court reporter today is Coleen Trifun, also</p> <p>12 from Everest Court Reporting. Counsel will now</p> <p>13 state their appearance for the record.</p> <p>14 MS. SMITH: Good morning.</p> <p>15 Catherine Smith on behalf of the plaintiffs.</p> <p>16 Present with me in the room is my paralegal Alyssa</p> <p>17 Debise and observing by video are Plaintiffs Jane</p> <p>18 Doe 2 through 4, Jane Doe 2, Jane Doe 3, and Jane</p> <p>19 Doe 4.</p> <p>20 MR. LEES: Paul Lees for Defendant</p> <p>21 Kutzler.</p> <p>22 MS. WYNKOOP: Megan Wynkoop for</p> <p>23 Defendant Glenn Roth.</p> <p>24 MS. MENDEZ: Jocelyn Mendez for</p>	<p style="text-align: right;">Page 8</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 And do you recall the instructions and</p> <p>4 rules that I gave you about your deposition</p> <p>5 yesterday?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have any questions about those</p> <p>8 rules for today's deposition?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 Any medication or alcohol or any other</p> <p>12 substance that you -- you ingested that would</p> <p>13 impair your ability to testify truthfully here</p> <p>14 today?</p> <p>15 A. No.</p> <p>16 Q. Any other reason you can think of why</p> <p>17 you couldn't testify truthfully today?</p> <p>18 A. No.</p> <p>19 Q. All right.</p> <p>20 MS. SMITH: We are going to start</p> <p>21 out with previously marked Exhibit 43.</p> <p>22 - - -</p> <p>23 (Previously marked Exhibit-43.)</p> <p>24 BY MS. SMITH:</p>
<p style="text-align: right;">Page 7</p> <p>1 Defendant Glenn Roth.</p> <p>2 MR. GEIGER: Gerry Geiger for</p> <p>3 Defendant George Halcovage, who is listening in by</p> <p>4 Zoom.</p> <p>5 MS. PIPAK: Maria Pipak for Gary</p> <p>6 Bender, Heidi Zula, and Schuylkill County.</p> <p>7 MS. SMITH: Same stipulations</p> <p>8 today, Counsel, objection to form and privilege</p> <p>9 only.</p> <p>10 MR. LEES: Yes. And reading and</p> <p>11 signing reserved. Thank you.</p> <p>12 MS. SMITH: Yeah.</p> <p>13 - - -</p> <p>14 DOREEN KUTZLER, having been first duly</p> <p>15 sworn, was examined and testified as follows:</p> <p>16 - - -</p> <p>17 Examination</p> <p>18 - - -</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Good morning, Ms. Kutzler.</p> <p>21 A. Good morning.</p> <p>22 Q. Did you speak with your attorney</p> <p>23 before -- or between yesterday's deposition and</p> <p>24 today's deposition?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Have you ever seen this document before?</p> <p>2 A. I have.</p> <p>3 Q. Okay.</p> <p>4 And where did you see it?</p> <p>5 A. On the county's intranet.</p> <p>6 Q. Okay.</p> <p>7 So this was on the county's intranet</p> <p>8 when you were working at the Schuylkill County</p> <p>9 Courthouse?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 Was this, your understanding, was the</p> <p>13 organizational chart for the county?</p> <p>14 A. Yes.</p> <p>15 Q. All right.</p> <p>16 If we look to -- it's a little bit</p> <p>17 small, but if we look to the -- under the</p> <p>18 electorate at the top about, I want to say, like</p> <p>19 two quarters of the way from the left, we see</p> <p>20 commissioners.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And below the -- the commissioners in a</p> <p>24 line of supervision is county administrator to the</p>

<p>Page 10</p> <p>1 far right of the line below that.</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. It's your understanding then that the</p> <p>5 county administrator reported to the</p> <p>6 commissioner's as their supervisors?</p> <p>7 A. Yes.</p> <p>8 Q. And below county administrator we have a</p> <p>9 number of offices, including on the -- the</p> <p>10 right-hand side, second from top, human resources.</p> <p>11 Is it your understanding that human</p> <p>12 resources reported to the county administrator?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 And then we have below -- if we go down</p> <p>16 a few, there's the assessment office. It's still</p> <p>17 kind in that direct line to county administrator.</p> <p>18 Do you see that on the right-hand side? It's</p> <p>19 about three up from Rest Haven at the very bottom.</p> <p>20 A. Why can I not find this?</p> <p>21 Q. So if you --</p> <p>22 A. Oh, there it is. Yes. Yes.</p> <p>23 Q. Is it your understanding that the --</p> <p>24 that that's the tax assessment office?</p>	<p>Page 12</p> <p>1 A. The commissioners.</p> <p>2 Q. They didn't also report to the county</p> <p>3 administrator?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. So on a supervisory level, would the</p> <p>6 solicitor be an equivalent of a county</p> <p>7 administrator?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 And those offices -- the solicitors</p> <p>11 office and the administrators office both reported</p> <p>12 to the commissioners?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. All right. You can put that one</p> <p>15 aside.</p> <p>16 All right.</p> <p>17 Yesterday, Ms. Kutzler, we were talking</p> <p>18 about some implementation and sexual harassment</p> <p>19 training that you started to conduct in transition</p> <p>20 into -- after Ms. Zula was hired.</p> <p>21 Can you tell me what, if anything, you</p> <p>22 did to implement or to administer sexual</p> <p>23 harassment training at the county?</p> <p>24 A. Yeah. So when it was decided that the</p>
<p>Page 11</p> <p>1 A. Yes.</p> <p>2 Q. And is it your understanding that the</p> <p>3 tax assessment office directly reported to the</p> <p>4 county administrator?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 And going back up, under commissioners,</p> <p>8 just down to the right corner of commissioners,</p> <p>9 there's solicitor. That would be the -- the</p> <p>10 county solicitor's office.</p> <p>11 Am I correct?</p> <p>12 A. Yes.</p> <p>13 Q. And below them is tax claim.</p> <p>14 Would that be the tax claim bureau?</p> <p>15 A. Yes.</p> <p>16 Q. And was it your understanding that the</p> <p>17 organizational structure of the county, it was</p> <p>18 that the tax claim bureau reported to the</p> <p>19 solicitor's office?</p> <p>20 A. I was under the impression that they</p> <p>21 reported up through the county administrator.</p> <p>22 Q. Okay.</p> <p>23 And then who did the solicitors report</p> <p>24 to?</p>	<p>Page 13</p> <p>1 harassment training would be conducted, I worked</p> <p>2 with my boss, Tom Hubric, to develop and customize</p> <p>3 the training that was utilized at the county.</p> <p>4 In addition to that, we developed a</p> <p>5 quiz. We revised the policy. There was a video</p> <p>6 that was purchased, which was an overview of</p> <p>7 sexual harassment training. We had Stop It put in</p> <p>8 place. And then we set the schedule for both in</p> <p>9 person and virtual trainings for all the</p> <p>10 employees.</p> <p>11 Q. Were the virtual trainings virtual, as</p> <p>12 in they were viewing a live presentation or a live</p> <p>13 person or was it like a recorded video that they</p> <p>14 could watch?</p> <p>15 A. They were -- it was via Zoom and the</p> <p>16 attendants, the participants were listening to me</p> <p>17 provide the training to the in-person attendees.</p> <p>18 Q. And the county employees, as well as</p> <p>19 elected officials were all notified that the</p> <p>20 training was mandatory?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 And there was, as I understand it,</p> <p>24 correct me if I am wrong, there was a training for</p>

<p style="text-align: right;">Page 14</p> <p>1 supervisors or managerial level and a different</p> <p>2 presentation for regular level employees?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 What was the difference between the two</p> <p>6 or, if you recall, what were the primary</p> <p>7 differences?</p> <p>8 A. So with the managerial, there was a --</p> <p>9 there was a different deck for the managerial</p> <p>10 training, a PowerPoint deck. And then there was a</p> <p>11 general employee deck. And with the guidelines</p> <p>12 under Title 7, there are specific requirements for</p> <p>13 supervisors and managers, more specifically they</p> <p>14 are held to a different standard being that they</p> <p>15 are in a managerial position.</p> <p>16 Q. Okay.</p> <p>17 And do you recall, did Mr. Bender attend</p> <p>18 the managerial presentation?</p> <p>19 A. Yes.</p> <p>20 Q. And did Defendant Halcovage attend that?</p> <p>21 A. Yes.</p> <p>22 Q. Did Ms. Zula attend one of those</p> <p>23 trainings?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Do you recognize these documents, Ms.</p> <p>3 Kutzler?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 And this first page, 206, is an</p> <p>7 acknowledgment form for receipt of a -- of the</p> <p>8 county's anti-harassment and non-discrimination</p> <p>9 policies revised January 2021.</p> <p>10 Is that accurate?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 Did you revise the policy in January of</p> <p>14 2021?</p> <p>15 A. I did.</p> <p>16 Q. Okay.</p> <p>17 Did you create this form or edit it to</p> <p>18 change the date to say January 2021?</p> <p>19 A. Yes.</p> <p>20 Q. All right.</p> <p>21 And this was something that each</p> <p>22 individual who attended the training, signed</p> <p>23 because they received the policy at that time.</p> <p>24 Is that accurate?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Did she attended the general employee or</p> <p>2 the managerial?</p> <p>3 A. Managerial.</p> <p>4 Q. And did Glenn Roth attend one of those</p> <p>5 trainings?</p> <p>6 A. He did.</p> <p>7 Q. The managerial or the general?</p> <p>8 A. Managerial.</p> <p>9 Q. Okay.</p> <p>10 And would you believe that each of those</p> <p>11 individuals, Mr. Bender, Mr. Halcovage, Ms. Zula,</p> <p>12 and Mr. Roth all were of a supervisory managerial</p> <p>13 level, that's why they attended that training?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Going to show you what -- I don't</p> <p>17 believe it's been marked an exhibit, it's 206 and</p> <p>18 207.</p> <p>19 MS. SMITH: I think it should be</p> <p>20 labeled probably SC 206 and 207, Matt. So it will</p> <p>21 be 296.</p> <p>22 (SC 206-207 marked as Exhibit-296 for</p> <p>23 identification.)</p> <p>24 - - -</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Yes.</p> <p>2 Q. All right.</p> <p>3 If we turn to the second page, you had</p> <p>4 just testified about creating a quiz.</p> <p>5 Is this the quiz you created?</p> <p>6 A. It is.</p> <p>7 Q. And other than -- I know you said Mr.</p> <p>8 Hub -- Tom Hubric, right, helped you with some of</p> <p>9 this work, but other than him, was there anyone</p> <p>10 else who participated in changing the policy or</p> <p>11 drafting this quiz?</p> <p>12 A. No.</p> <p>13 Q. If we look -- I'm going to just run</p> <p>14 through the questions and I would like you to tell</p> <p>15 me which -- what the correct response in your mind</p> <p>16 is.</p> <p>17 The first one says: You see a cowork --</p> <p>18 you see a coworker aggressively flirting with a</p> <p>19 new employee. She seems to like the attention and</p> <p>20 has never complained. Should you do anything</p> <p>21 about it? What in your mind is the correct</p> <p>22 response?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Your Facebook account is your own</p>

<p style="text-align: right;">Page 18</p> <p>1 personal business and you can post whatever you 2 want, regardless of who you are, quote, friends 3 with? 4 A. Incorrect. 5 Q. You should be more tolerant of 6 inappropriate behaviors of customers or visitors? 7 A. Incorrect. 8 Q. Can I tell dirty jokes to coworkers so 9 long as nobody is offended? 10 A. Incorrect. 11 Q. I have a huge crush on a coworker and I 12 want to ask him or her out. This is okay per 13 county policy? 14 A. Yes. 15 Q. I am Latino, therefore I am allowed to 16 speak freely about my thoughts about Latinos? 17 A. Incorrect. 18 Q. I'm addicted to Instagram and I have a 19 streak with my brother. We just send funny, 20 harmless pics to each other throughout the day. 21 This is fine as it -- it is not a violation of the 22 county's harassment policy? 23 A. Incorrect. 24 Q. Although I'm a big hugger, I should</p>	<p style="text-align: right;">Page 20</p> <p>1 reviewed each question. 2 Q. Okay. 3 And was -- the review was slides on the 4 PowerPoint to explain kind of the content of the 5 answers? 6 A. Yes. 7 Q. Do you recall if the PowerPoint for the 8 managerial supervisors, employees indicated 9 clearly that a supervisor could never have a 10 consensual relationship with a subordinate 11 employee? 12 A. We touched on it. 13 Q. Okay. 14 A. But we didn't go into specifics or any 15 great detail. 16 Q. Given that Commissioner Halcovage had 17 been accused of being in what he alleged was a 18 consensual relationship with a subordinate 19 employee, is there a reason that you didn't go 20 into more detail with that? 21 A. No. 22 Q. Was there -- as it relates to No. 4, can 23 I tell dirty -- dirty jokes to coworkers so long 24 as no one is offended. Was there -- do you recall</p>
<p style="text-align: right;">Page 19</p> <p>1 never hug a coworker, supervisor, row office, 2 and/or commissioner? 3 A. Correct. 4 Q. I am very strong in my faith and I enjoy 5 talking about what I learned at church with my 6 coworkers who are strong in their faith. This is 7 cool to do at work? 8 A. Correct. 9 Q. My supervisor/manager makes sexual 10 comments to me and it makes me uncomfortable. As 11 he or she is my supervisor, I'm afraid that he or 12 she will be upset with me if I tell him or her to 13 stop. In this situation, I should tell county 14 administrator or human resources and not worry 15 about potential retaliation? 16 A. Correct. 17 Q. Was this quiz administered during the 18 trainings for -- the in-person trainings for the 19 managerial staff? 20 A. Yes. 21 Q. And was it -- the person taking it 22 answered the questions on their own; is that 23 accurate? 24 A. They did answer in advance and then we</p>	<p style="text-align: right;">Page 21</p> <p>1 what the explanation or basis for saying that that 2 was incorrect was? 3 A. In providing the training, it was about 4 knowing your audience and it was recommended and 5 suggested that if you wouldn't say it to your mom 6 or your grandmother or you don't want it splashed 7 on the front page of a newspaper, better left 8 unsaid. 9 Q. Because you might think -- correct me if 10 I'm wrong, you might think someone is offended, 11 but -- or not offended, but they may internally or 12 not speak out about being they're offended, 13 correct? 14 A. Certainly. 15 Q. Okay. You can put that one aside. 16 MS. SMITH: Going to look at what's 17 been previously marked 118. 18 Matt, we are going to pull up 19 previously marked Exhibit-118. Thank you. 20 --- 21 (Previously marked Exhibit-118.) 22 --- 23 BY MS. SMITH: 24 Q. Do you recognize this document?</p>



<p>Page 22</p> <p>1 A. I do.</p> <p>2 Q. Okay.</p> <p>3 So February of 2021, this -- this e-mail</p> <p>4 specifically, February 8, 2021, can you tell me</p> <p>5 what your role was in regards to personnel matters</p> <p>6 such as this?</p> <p>7 A. As of this date?</p> <p>8 Q. Correct.</p> <p>9 A. Yeah. I -- at this --</p> <p>10 MS. PIPAK: I am going to object to</p> <p>11 the form.</p> <p>12 But you can answer.</p> <p>13 THE WITNESS: At this point, I was</p> <p>14 primarily focused on developing the training and</p> <p>15 getting the schedule --</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Okay.</p> <p>18 A. -- developed.</p> <p>19 Q. So why then was it that Ms. Zula was</p> <p>20 sending you a work performance memorandum to</p> <p>21 review?</p> <p>22 A. I think just to have another set of eyes</p> <p>23 review it.</p> <p>24 Q. Did you review this?</p>	<p>Page 24</p> <p>1 typically there on Tuesdays, Wednesdays, and</p> <p>2 Thursdays, just because Mondays and Fridays are</p> <p>3 difficult with so many individuals taking time off</p> <p>4 or being away. And the schedules were -- you</p> <p>5 know, as an example, when I was at the prison,</p> <p>6 those were 24-hour shifts. So I conducted</p> <p>7 training at 3:00 a.m., 7:00 a.m., and it was</p> <p>8 either 1:00 or 2:00 p.m.</p> <p>9 Q. Okay.</p> <p>10 A. So depending upon the departments needs</p> <p>11 based upon their schedule and when they could</p> <p>12 attend, there were -- I conducted 54 training</p> <p>13 sessions.</p> <p>14 Q. So January -- I think we talked about</p> <p>15 this yesterday. January 11, 2021, Ms. Zula</p> <p>16 starts. And I think you said the transfer of</p> <p>17 knowledge was about four to five weeks?</p> <p>18 A. Yes.</p> <p>19 Q. So for those four to five weeks, were</p> <p>20 you -- or however long the transfer of knowledge</p> <p>21 took, were you physically still in the courthouse</p> <p>22 Monday through Friday?</p> <p>23 A. Yes.</p> <p>24 Q. And you weren't conducting in-person</p>
<p>Page 23</p> <p>1 A. I did.</p> <p>2 Q. Did you respond to her?</p> <p>3 A. I don't recall specifically making any</p> <p>4 recommended changes.</p> <p>5 Q. Okay.</p> <p>6 Did you have any involvement in this</p> <p>7 memorandum or what the contents of the memorandum</p> <p>8 were prior to Ms. Zula reaching out to you?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 So did you have -- I mean, between</p> <p>12 January 11, 2021, when Ms. Zula started and</p> <p>13 February 8, 2021, when she sent you this e-mail,</p> <p>14 were you still physically working at the</p> <p>15 courthouse?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 When was your last physical day in the</p> <p>19 courthouse, if you recall?</p> <p>20 A. April 14th.</p> <p>21 Q. So Monday through Friday, 9:00 to</p> <p>22 5:00ish, you were physically in the courthouse</p> <p>23 during that time?</p> <p>24 A. No. Because of the training, I was</p>	<p>Page 25</p> <p>1 trainings for those four to five weeks; is that</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay.</p> <p>5 That's kind of when you were revising</p> <p>6 the policy and getting the training materials</p> <p>7 ready for the presentation?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 And then -- so that would take us about</p> <p>11 to early February, early to mid February probably;</p> <p>12 am I correct?</p> <p>13 A. Yes.</p> <p>14 Q. All right.</p> <p>15 And then -- because training started</p> <p>16 around February -- well, were supposed to start</p> <p>17 February 18th. Really started February 19th?</p> <p>18 A. Yes.</p> <p>19 Q. So is February 19th roughly then when</p> <p>20 you went to this Tuesday, Wednesday, Thursday</p> <p>21 schedule?</p> <p>22 A. Yes.</p> <p>23 Q. And were you only at the county</p> <p>24 buildings, whether it be the prison or a different</p>

<p>Page 26</p> <p>1 location, when you were conducting in-person</p> <p>2 trainings or doing a Zoom training?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. So post the start of the training</p> <p>5 presentations, were you doing any other county</p> <p>6 work, if not like sending e-mail and then submit a</p> <p>7 request?</p> <p>8 A. Other than managing the quizzes and the</p> <p>9 acknowledgment pages so that they could be tracked</p> <p>10 and then recorded and then placed in the employees</p> <p>11 personnel file.</p> <p>12 Q. Okay.</p> <p>13 So no like day-to-day HR complaints?</p> <p>14 A. No.</p> <p>15 Q. Or benefit administration, nothing like</p> <p>16 that?</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 So then your schedule became just as</p> <p>20 needed for implementation or presentation of</p> <p>21 training?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 So as February 8th is before</p>	<p>Page 28</p> <p>1 discussed it.</p> <p>2 Q. Okay.</p> <p>3 A. But it wasn't in my purview because I</p> <p>4 didn't want to step on Heidi's toes, because she,</p> <p>5 at that point in time, was the HR director and the</p> <p>6 decisions as to how she wanted to support the</p> <p>7 county, I let her handle that.</p> <p>8 Q. Did -- so Ms. Zula in her e-mail says:</p> <p>9 Please feel free to add, delete, or change</p> <p>10 whatever you deem appropriate.</p> <p>11 Did you add, delete, or change anything</p> <p>12 in this document?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Did you explain to her, like, why you</p> <p>15 didn't feel the need to or that it was her -- her</p> <p>16 job kind of now to do the HR work?</p> <p>17 A. Yeah. We did have a conversation and I</p> <p>18 shared with her that I would, you know, slowly</p> <p>19 pull back any influence that I might have on her</p> <p>20 because it was really her opportunity to get her</p> <p>21 feet underneath her and to, you know, manage the</p> <p>22 role as she saw fit.</p> <p>23 Q. Did you speak with Defendant Bender</p> <p>24 about the contents of this document?</p>
<p>Page 27</p> <p>1 February 19th, were you still -- do you believe</p> <p>2 still working in the county courthouse at this</p> <p>3 point on a regular basis?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 Were you involved in any interactions or</p> <p>7 discussions about the plaintiffs between</p> <p>8 January 11th and February 18th, that you recall?</p> <p>9 A. There were likely some conversations.</p> <p>10 Q. Do you recall what they were?</p> <p>11 A. No, I do not. Sorry.</p> <p>12 Q. Okay.</p> <p>13 So, again, I think you said you were</p> <p>14 only -- you only were involved in this issue</p> <p>15 that's the contents of this document after Ms.</p> <p>16 Kutzler -- after Ms. Zula sent you this e-mail.</p> <p>17 Is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. All right.</p> <p>20 Did -- do you recall if you reviewed</p> <p>21 this document and signed off on it or approved it?</p> <p>22 A. I did not approve it.</p> <p>23 Q. Okay.</p> <p>24 I -- I would not have -- we would have</p>	<p>Page 29</p> <p>1 A. No, I did not.</p> <p>2 Q. This is a document that includes</p> <p>3 information related to the STEB reports.</p> <p>4 Would you agree?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 And I think you testified to this</p> <p>8 yesterday, that STEB reports were something that</p> <p>9 you were instructed were not in the purview of the</p> <p>10 HR department.</p> <p>11 Am I correct in your testimony?</p> <p>12 A. Yes.</p> <p>13 Q. Did you bring that to Ms. Zula's</p> <p>14 attention and say, I was instructed by Mr. Bender</p> <p>15 that this is not something that's supposed to be</p> <p>16 HR or alert her to that at all?</p> <p>17 A. We did have a conversation. I did make</p> <p>18 her aware of my conversation with Mr. Bender and</p> <p>19 that he said that that is a tax assessment</p> <p>20 responsibility.</p> <p>21 Q. What was her response?</p> <p>22 A. I don't recall specifically.</p> <p>23 Q. Okay.</p> <p>24 Do you believe that a memorandum such as</p>

<p>Page 30</p> <p>1 this is in line with what the instructions that</p> <p>2 Defendant Bender gave you related to STEB reports?</p> <p>3 MS. PIPAK: I am going to object to</p> <p>4 the form.</p> <p>5 But you can answer.</p> <p>6 THE WITNESS: Can you rephrase the</p> <p>7 question?</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Sure.</p> <p>10 So given that Mr. Bender instructed you</p> <p>11 that STEB reports were in the purview of the tax</p> <p>12 assessment office and not within the HR</p> <p>13 department, is this something that you feel that</p> <p>14 you would have done while you were HR director,</p> <p>15 given it contains STEB information?</p> <p>16 MS. PIPAK: Same objection.</p> <p>17 But go ahead.</p> <p>18 THE WITNESS: If Mr. Bender --</p> <p>19 because of their -- the lack of communication</p> <p>20 between Jane Doe 3 and Mr. Bender, I think he did</p> <p>21 use HR as a conduit, again as a communicator. So</p> <p>22 if he would have instructed me to draft something,</p> <p>23 I would have drafted it.</p> <p>24 BY MS. SMITH:</p>	<p>Page 32</p> <p>1 Q. You had been employed by the county or</p> <p>2 worked at the courthouse for about four months</p> <p>3 before you kind of transitioned into the training</p> <p>4 role, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Do you feel that in those four months,</p> <p>7 you had gained enough knowledge to really eval --</p> <p>8 about the STEB reports and the tax assessment</p> <p>9 office to make a determination about their</p> <p>10 operations?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 So would you think then Ms. Zula would</p> <p>14 have -- if she had no prior experience, do you</p> <p>15 think a month is enough time to really understand</p> <p>16 what the tax assessment office does?</p> <p>17 MS. PIPAK: Object to the form.</p> <p>18 But you can answer.</p> <p>19 THE WITNESS: Not likely.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Okay.</p> <p>22 And given -- I imagine you observed what</p> <p>23 Ms. Zula did for that first month she was</p> <p>24 employed?</p>
<p>Page 31</p> <p>1 Q. Okay.</p> <p>2 But does it seem contrary to what Mr.</p> <p>3 Bender's instructions were regarding HR not</p> <p>4 dealing with STEB?</p> <p>5 A. Yeah. I'm sure it could be perceived</p> <p>6 that way.</p> <p>7 Q. Okay.</p> <p>8 In Ms. Zula's e-mail to you, she said</p> <p>9 she really focused on the failure to submit STEB</p> <p>10 reports for the basis for removal from her</p> <p>11 position.</p> <p>12 Were there discussions that were being</p> <p>13 had in February to remove Jane Doe 3 from her</p> <p>14 position as chief assessor?</p> <p>15 A. Not with me.</p> <p>16 Q. The sentence before that says: I really</p> <p>17 struggled with putting this memo together. Ms.</p> <p>18 Zula had only been employed by the county just shy</p> <p>19 of a month at that point, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know, did Ms. Zula have any tax</p> <p>22 assessment knowledge prior to coming to the</p> <p>23 county?</p> <p>24 A. Not to my knowledge.</p>	<p>Page 33</p> <p>1 A. Yes.</p> <p>2 Q. And there's a lot more than just the</p> <p>3 assessment office at the county, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And so it's not likely that she was</p> <p>6 spending that entire month focused on the</p> <p>7 assessment office, is it?</p> <p>8 MR. LEES: Objection to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: Correct.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Okay.</p> <p>13 In the memorandum itself starting on</p> <p>14 Page 2, so Zula 414, it starts with: On</p> <p>15 February 5, 2021, a meeting was held by the human</p> <p>16 resources office with Ms. Jane Doe 3 and Ms. Jane</p> <p>17 Doe 4 to discuss the operation of the tax</p> <p>18 assessment office.</p> <p>19 Do you recall being present at that</p> <p>20 meeting?</p> <p>21 A. I do.</p> <p>22 Q. Okay.</p> <p>23 Who requested that meeting?</p> <p>24 A. Ms. Zula.</p>

<p>Page 34</p> <p>1 Q. And she requested your presence or you 2 decided to go?</p> <p>3 A. She requested my presence.</p> <p>4 Q. And do you know why?</p> <p>5 A. So that she could learn more about the 6 tax assessment office and the day-to-day 7 operations.</p> <p>8 Q. Okay.</p> <p>9 What, if any, participation or 10 involvement did you have in the meeting, other 11 than being there?</p> <p>12 A. I observed.</p> <p>13 Q. Okay.</p> <p>14 Didn't ask any questions?</p> <p>15 A. No.</p> <p>16 Q. What was your opinion of the meeting?</p> <p>17 A. That it was cordial and it was Ms. Zula 18 asking questions about the day-to-day operations 19 so that she could have a better understanding.</p> <p>20 Q. Did Jane Doe 3 provide information 21 regarding operational staffing issues at the 22 office -- assessment office was having at that 23 time?</p> <p>24 A. I think so.</p>	<p>Page 36</p> <p>1 or two months. She's indicated that every real 2 estate sale in the county needs to be validated 3 and reported to the Commonwealth.</p> <p>4 Is that something you recall Jane Doe 3 5 explaining to Ms. Zula?</p> <p>6 A. Yes.</p> <p>7 Q. If we look to the second paragraph, the 8 second sentence, so end of the second line, it's 9 talking about the market analyst position. It 10 says: This position is currently filled by Ms. 11 Jane Doe 1. Jane Doe 3 stated that Jane Doe 1 has 12 been mentally disturbed by the harassment 13 allegations made against the county and it -- and 14 it inhibits her ability to perform her work. 15 Further, Jane Doe 3 also indicated that it is 16 difficult for the reports to be completed outside 17 of the tax assessment office and Jane Doe 1's 18 place in the 410 Building has hampered her ability 19 to complete the reports.</p> <p>20 Do you recall this being discussed 21 during the meeting?</p> <p>22 A. Somewhat.</p> <p>23 Q. Do you recall Ms. Zula asking Jane Doe 3 24 any questions about what the county could do to</p>
<p>Page 35</p> <p>1 Q. Do you feel that Jane Doe 3 or Jane Doe 2 4 voiced specific needs that the office had that 3 the county could assist them with during that 4 meeting?</p> <p>5 A. Yes.</p> <p>6 Q. How was Ms. Zula's or what was Ms. 7 Zula's response to those requests?</p> <p>8 A. She had -- was taking notes and she may 9 have said something along the lines of, it would 10 be something that she would have to review with 11 Mr. Bender.</p> <p>12 Q. And that's something you experienced 13 yourself where you couldn't really provide what 14 was requested without Mr. Bender's approval, 15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right.</p> <p>18 In the first photograph at the bottom, I 19 think it's the very last sentence, but it's three 20 lines up, she explained -- and it's talking about 21 Jane Doe 3 if you look at the sentence prior. She 22 explained that despite COVID, the real estate 23 market has been very business, causing the 24 preparation of STEB reports to be delayed by one</p>	<p>Page 37</p> <p>1 aid Jane Doe 1's work performance?</p> <p>2 A. I don't know that that was discussed.</p> <p>3 Q. Do you know -- let me ask it this way: 4 Did you or to your knowledge, did anyone on behalf 5 of the county reach out to Jane Doe 1 to see what 6 could be done to help her, given that she was 7 mentally destroyed by the harassment allegations?</p> <p>8 MS. PIPAK: Object to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: At some point there 11 were additional discussions regarding ADA 12 accommodations. I don't know if that was when Ms. 13 Zula started the process with the interactive 14 dialogue or if it was after that.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Were you involved in those interactive 17 discussions?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 Are you talking about when Ms. Zula 21 started to receive paperwork from Jane Doe 1 and 22 Jane Doe 2's medical providers?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>



<p>Page 38</p> <p>1 But you -- did you review any of the</p> <p>2 medical provider paperwork?</p> <p>3 A. No, I did not.</p> <p>4 Q. Okay.</p> <p>5 And you -- I think you just said, you</p> <p>6 were not present or involved in any of the</p> <p>7 discussions with Ms. Zula, Jane Doe 1, and/or Jane</p> <p>8 Doe 2 about accommodations or FMLA leave or</p> <p>9 anything like that, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay.</p> <p>12 So you have no personal knowledge what</p> <p>13 actually occurred?</p> <p>14 A. I do not.</p> <p>15 Q. Okay.</p> <p>16 Do you know in -- on February 5th, was</p> <p>17 Jane Doe 1 completely and fully set up,</p> <p>18 technological wise, in the 410 Building?</p> <p>19 A. Yes. My understanding is that both</p> <p>20 offices were set up.</p> <p>21 Q. If we look to the bottom four lines of</p> <p>22 the third paragraph, it starts with Jane Doe 3.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p>	<p>Page 40</p> <p>1 the county courthouse, that Jane Doe 3 made</p> <p>2 efforts to receive county assistance for the tax</p> <p>3 assessment office?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 If you turn to the second page, I'm just</p> <p>7 going to have you briefly -- or as long as you</p> <p>8 need, I shouldn't say briefly, read that top</p> <p>9 paragraph because it's kind of referenced in the</p> <p>10 next paragraph, which I want to ask you some</p> <p>11 questions about.</p> <p>12 A. Okay.</p> <p>13 Q. So if we look to the second paragraph on</p> <p>14 this page, it states: Further, it is noted that</p> <p>15 Jane Doe 3 has failed to communicate with your</p> <p>16 direct supervisor, County Administrator Gary</p> <p>17 Bender, regarding this issue.</p> <p>18 The way that this written -- is written,</p> <p>19 it leads me to believe that the issue is the one</p> <p>20 in the paragraph proceeding it. Would you --</p> <p>21 would you agree that that is how it reads?</p> <p>22 MR. LEES: Just note my objection</p> <p>23 to the form.</p> <p>24 You can answer.</p>
<p>Page 39</p> <p>1 Q. Okay.</p> <p>2 It says: Jane Doe 3 has also not</p> <p>3 availed herself to the additional assistance</p> <p>4 provided to the tax assessment office by the</p> <p>5 county.</p> <p>6 Do you know what additional assistance</p> <p>7 was provided by the county to the tax assessment</p> <p>8 office that this is referring to?</p> <p>9 A. I do not.</p> <p>10 Q. Do you think that the county provided</p> <p>11 any additional assistance to the tax assessment</p> <p>12 office?</p> <p>13 MS. PIPAK: Object to the form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: I'm not aware of any.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Okay.</p> <p>18 Do you think that there was anything</p> <p>19 that was offered to the tax assessment office by</p> <p>20 the county that Jane Doe 3 did not avail herself</p> <p>21 of?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Do you feel that during your -- the</p> <p>24 September through January time that you were at</p>	<p>Page 41</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. So essentially regarding -- this issue</p> <p>4 would be regarding the STEB compliance issue?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 We looked at a number of e-mails</p> <p>8 yesterday where Mr. Bender -- you were e-mailed by</p> <p>9 Jane Doe 3, Mr. Bender was cc'd in which I</p> <p>10 believe, correct me if I'm wrong, you testified</p> <p>11 Mr. Bender instructed you not to respond because</p> <p>12 it related to the STEB report, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So would this --</p> <p>15 MS. PIPAK: Objection to the form.</p> <p>16 But go ahead.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Would this sentence, in your opinion, be</p> <p>19 accurate?</p> <p>20 A. Not directly.</p> <p>21 Q. Jane Doe 3 did communicate with her</p> <p>22 direct supervisor, Mr. Bender, correct?</p> <p>23 MS. PIPAK: I am going to object to</p> <p>24 the form.</p>



<p>Page 42</p> <p>1 You can answer.</p> <p>2 THE WITNESS: She copied him --</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Okay.</p> <p>5 A. -- in her communications.</p> <p>6 Q. And to your knowledge, did Mr. Bender</p> <p>7 reply to those communications?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. Did Mr. Bender go and speak to Jane Doe</p> <p>10 3 in person regarding those communications?</p> <p>11 A. No.</p> <p>12 Q. Did Mr. Bender use you, the HR director,</p> <p>13 as a conduit to communicate with Jane Doe 3</p> <p>14 regarding those communication?</p> <p>15 A. Yes.</p> <p>16 Q. He -- you communicated with Jane Doe 3</p> <p>17 regarding the STEB reports?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 A. No, not yet.</p> <p>21 Q. So he did use you as -- sorry. That was</p> <p>22 a bad question. I should be more specific.</p> <p>23 Did Mr. Bender use you as a conduit to</p> <p>24 communicate with Jane Doe 3 in relation and regard</p>	<p>Page 44</p> <p>1 THE WITNESS: I don't think it</p> <p>2 mattered what -- who was in which field in the</p> <p>3 e-mail.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Okay.</p> <p>6 So then the e-mails that Jane Doe 3 was</p> <p>7 sending related to STEB, you would consider</p> <p>8 direct -- would be communication with her direct</p> <p>9 supervisor if Mr. Bender was cc'd?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 So then, again, we looked at a number of</p> <p>13 those e-mails with Mr. Bender cc'd. Those would</p> <p>14 be communication with her direct supervisor,</p> <p>15 making this statement in this memorandum</p> <p>16 incorrect?</p> <p>17 MR. LEES: Objection to the form.</p> <p>18 You can answer.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Okay.</p> <p>22 The next sentence says: She did not</p> <p>23 seek any assistance or guidance from her</p> <p>24 supervisor on how to remedy the severe</p>
<p>Page 43</p> <p>1 to her STEB report content e-mails?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 And it's your testimony that Mr. Bender</p> <p>5 used you as a conduit to communicate with Jane Doe</p> <p>6 3 correct?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Is that a yes?</p> <p>9 A. Yes.</p> <p>10 Q. So would it be fair to say then that</p> <p>11 Jane Doe 3 might have assumed that she should use</p> <p>12 you as a conduit to communicate with Mr. Bender?</p> <p>13 MR. LEES: Note my objection to the</p> <p>14 form.</p> <p>15 You can answer.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Okay.</p> <p>19 At any point, do you recall Mr. Bender</p> <p>20 instructing you to tell Jane Doe 3 or directly</p> <p>21 instructing Jane Doe 3 that she was to e-mail him</p> <p>22 and not just cc him?</p> <p>23 MS. PIPAK: Object to the form.</p> <p>24 You can answer.</p>	<p>Page 45</p> <p>1 delinquencies in the STEB reports. Is that</p> <p>2 sentence accurate?</p> <p>3 A. Depends.</p> <p>4 MS. PIPAK: Object to the form.</p> <p>5 You can answer.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. What do you mean depends?</p> <p>8 A. It depends on who was interpreting it.</p> <p>9 Q. Why would it matter who was interpreting</p> <p>10 it?</p> <p>11 A. Well, I think Ms. Zula may have thought</p> <p>12 that by cc'ing Mr. Bender, that wasn't direct</p> <p>13 contact.</p> <p>14 Q. Okay.</p> <p>15 But did you see her cc -- Jane Doe 3</p> <p>16 cc'ing Mr. Bender as seeking guidance and</p> <p>17 assistance from him?</p> <p>18 A. I did.</p> <p>19 Q. And, in fact, Mr. Bender instructed you</p> <p>20 not to answer Jane Doe 3's requests for</p> <p>21 assistance?</p> <p>22 A. Correct.</p> <p>23 Q. And, therefore, obviously he</p> <p>24 acknowledged that he saw the e-mails, correct?</p>

<p>Page 46</p> <p>1 A. Yes.</p> <p>2 MS. PIPAK: Object to form.</p> <p>3 Go ahead.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. I'm going to ask a general question just</p> <p>6 because I may be able to cut out some of these</p> <p>7 documents.</p> <p>8 A. Okay.</p> <p>9 Q. If you -- if you have an answer, I might</p> <p>10 need to -- to go into a few documents.</p> <p>11 Were you involved in any disciplinary</p> <p>12 write ups of any of the plaintiffs in the year</p> <p>13 2021?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Okay.</p> <p>16 I can briefly show you, I'll just show</p> <p>17 you what's been previously marked as 225. It's</p> <p>18 already marked, so it's easy enough to just show</p> <p>19 you. My apologies.</p> <p>20 MS. SMITH: Sorry, Paul, they're</p> <p>21 wet.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Did you have an opportunity to review</p> <p>24 that?</p>	<p>Page 48</p> <p>1 - - -</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Show you what's previously marked</p> <p>4 Exhibit-226. Again, I just want you to take a</p> <p>5 look at it. It's from May of 2021. My general</p> <p>6 question is just going to be, do you recognize it</p> <p>7 and kind of were you involved in it, similar to</p> <p>8 the last one.</p> <p>9 So when you've had an opportunity to</p> <p>10 review it, just let me know.</p> <p>11 A. No, I do not recognize it.</p> <p>12 Q. Okay.</p> <p>13 A. Nor was I involved.</p> <p>14 Q. And didn't provide any input or</p> <p>15 information that would have been -- could have</p> <p>16 been used to create that document?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. All right.</p> <p>19 Yesterday, Ms. Kutzler, we talked</p> <p>20 about -- briefly about Jane Doe 3 and Jane Doe</p> <p>21 4's, what I'm going to refer to as demotions or</p> <p>22 what the county refers to as a restructuring.</p> <p>23 Do you -- what, if anything, was your</p> <p>24 involvement in that?</p>
<p>Page 47</p> <p>1 A. Uh-huh, yes.</p> <p>2 Q. Does -- does that look familiar to you?</p> <p>3 A. No.</p> <p>4 Q. So you weren't involved in any</p> <p>5 discussions or administration of this written</p> <p>6 disciplinary action for Jane Doe 4?</p> <p>7 A. No, I was not.</p> <p>8 Q. Okay.</p> <p>9 There's a similar one for Jane Doe 3.</p> <p>10 Would you have been involved in that?</p> <p>11 A. No, I would not.</p> <p>12 Q. Were you consulted or asked to provide</p> <p>13 any information for the disciplinary action?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 Were you involved in the hiring or</p> <p>17 contract of the county with Tony Alu or Anthony</p> <p>18 Alu?</p> <p>19 A. No.</p> <p>20 Q. Were you involved with the hiring or</p> <p>21 appointment of Kent Hatter?</p> <p>22 A. No.</p> <p>23 - - -</p> <p>24 (Previously marked Exhibit-226.)</p>	<p>Page 49</p> <p>1 A. I didn't have any involvement.</p> <p>2 Q. There were never discussions about</p> <p>3 removing Jane Doe 3 from her position when you</p> <p>4 worked at the county?</p> <p>5 A. No.</p> <p>6 Q. Do you recall being at a -- being asked</p> <p>7 to attend a meeting with Ms. Zula, Ms. -- and Jane</p> <p>8 Doe 3 around March 11, 2021?</p> <p>9 A. I don't recall that.</p> <p>10 Q. Do you recall -- do you recall ever</p> <p>11 learning that Jane Doe 4's brother had suddenly</p> <p>12 passed away?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 I'm going to show you -- actually, the</p> <p>16 one in front of you, yeah.</p> <p>17 MS. SMITH: Paul, it's Exhibit-137.</p> <p>18 - - -</p> <p>19 (Previously marked Exhibit-137.)</p> <p>20 - - -</p> <p>21 BY MS. SMITH:</p> <p>22 Q. If we look to the very bottom of the</p> <p>23 first page, the e-mail dated March 11th from Ms.</p> <p>24 Zula to Jane Doe 3. Now, you aren't cc'd on this</p>

<p>Page 50</p> <p>1 one, but it indicates that Doreen will also be</p> <p>2 attending the meeting that she's requesting on</p> <p>3 that Friday afternoon at 1:00.</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. Does this refresh your recollection that</p> <p>7 you were to attend a meeting with Ms. Zula and</p> <p>8 Jane Doe 3?</p> <p>9 A. That day? No, Friday.</p> <p>10 Q. But you were to attend one on</p> <p>11 March 12th?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall that meeting?</p> <p>14 A. I do not.</p> <p>15 Q. Okay.</p> <p>16 Jane Doe 3 responds in the e-mail above</p> <p>17 it and she cc's you and she indicates, I'm off</p> <p>18 tomorrow. Jane Doe 4 had a death -- death in the</p> <p>19 family, so she is not available either. Also,</p> <p>20 Jane Doe 4 and I have several vacation days to use</p> <p>21 before the end of March, so if you want to pick a</p> <p>22 day next week and let us know what specific topics</p> <p>23 we will be discussing first, we can arrange to</p> <p>24 meet with you.</p>	<p>Page 52</p> <p>1 from her assistant director position in tax</p> <p>2 claims, they were lose -- losing one of their two</p> <p>3 department head positions.</p> <p>4 Is there any reason you can think of that</p> <p>5 Jane Doe 4's attendance wouldn't be appropriate?</p> <p>6 MS. PIPAK: Object to the form.</p> <p>7 But you can answer.</p> <p>8 THE WITNESS: Yeah. So in</p> <p>9 situations like that where an individual's role or</p> <p>10 their position is being directly impacted, you</p> <p>11 typically don't have other employees attend</p> <p>12 meetings such as that.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. What about -- is there any reason you</p> <p>15 can think of that prior to such a change being</p> <p>16 placed on the PAR for a vote by the commissioners,</p> <p>17 that the individual effected wouldn't be notified</p> <p>18 in private?</p> <p>19 A. I would think that would happen.</p> <p>20 Q. Okay.</p> <p>21 If the roles were being affected, and I</p> <p>22 understand what you're saying about the</p> <p>23 confidentiality kind of in -- related to</p> <p>24 conveyance of the information.</p>
<p>Page 51</p> <p>1 Does this refresh your recollection</p> <p>2 about learning that there was a meeting scheduled,</p> <p>3 but Jane Doe 4 was on bereavement leave?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 Do you recall what the contents of that</p> <p>7 meeting were?</p> <p>8 A. I don't. Sorry.</p> <p>9 Q. Do you -- you don't recall what was</p> <p>10 supposed to be discussed?</p> <p>11 A. No.</p> <p>12 Q. You don't recall that in that meeting,</p> <p>13 Ms. Zula was going to be informing Jane Doe 3 that</p> <p>14 the offices were being restructured and she was</p> <p>15 being removed from her chief assessor position?</p> <p>16 A. No.</p> <p>17 Q. Ms. Zula responds in the top e-mail and</p> <p>18 cc's you. And she states in the second paragraph,</p> <p>19 second line, end of it: We will be meeting with</p> <p>20 you as the department head, so Jane Doe 4's</p> <p>21 attendance at a meeting is not appropriate.</p> <p>22 If the offices were being restructured</p> <p>23 and Jane Doe 3 was being removed from her chief</p> <p>24 assessor position and Jane Doe 4 was being removed</p>	<p>Page 53</p> <p>1 A. Uh-huh.</p> <p>2 Q. But if the individuals affected both</p> <p>3 wanted to be present and one of the other weren't</p> <p>4 present, is there any reason that -- any county</p> <p>5 policies that dictate that that could not happen?</p> <p>6 A. There are no policies that I'm aware of.</p> <p>7 But from an HR perspective and a standard</p> <p>8 practice, again, it's typically not handled in</p> <p>9 that manner. In a collective bargaining</p> <p>10 agreement, certainly the union employee has the</p> <p>11 right to have representation when there's</p> <p>12 discipline being handed down. But in a non-union</p> <p>13 position, it typically doesn't happen.</p> <p>14 Q. Okay.</p> <p>15 Do you know if your attendance at this</p> <p>16 meeting was requested as kind of similar to the</p> <p>17 one with you and Roth and Ms. Matascavage, as a</p> <p>18 witness, someone there to witness what happened so</p> <p>19 that they could be a witness to the information at</p> <p>20 a later point?</p> <p>21 A. That may be the reason.</p> <p>22 MS. PIPAK: Object to the form.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Is there any county policy that dictates</p>

<p>Page 54</p> <p>1 that if an employee is to have a meeting with HR,  2 not union and not necessarily disciplinary, just  3 let's say a non-union -- union employee, that they  4 can't bring a witness if they feel uncomfortable  5 to a meeting?  6 A. Certainly if they're uncomfortable, they  7 may request it, but it's not typically granted.  8 Q. Why is that?  9 A. It's just not standard protocol.  10 Q. But you had asked Mr. Roth to be a  11 witness for you against Ms. -- with Ms.  12 Matascavage, correct?  13 A. Yes.  14 Q. Is there any reason then why  15 Ms. Matascavage or someone in her situation  16 wouldn't be permitted to have a witness for -- of  17 her own choosing there?  18 A. She could.  19 Q. Okay.  20 And so hers would have been granted?  21 A. Perhaps.  22 Q. Okay.  23 And so someone -- let's say Jane Doe 3,  24 who had claims against the county, is there any</p>	<p>Page 56</p> <p>1 approach or -- I'll call it approach to the  2 plaintiffs when she started with the county?  3 MR. LEES: Just note my objection  4 to the form.  5 THE WITNESS: So you want to know  6 her opinion of the plaintiffs?  7 BY MS. SMITH:  8 Q. Your opinion of how she handled the  9 plaintiffs when she started with the county. How  10 she reacted to them, how she responded and handled  11 their -- their e-mails and their claims?  12 MR. LEES: Same objection.  13 You can answer.  14 THE WITNESS: I think she was  15 approaching it from an HR perspective, a human  16 resource perspective. So in -- as it related to  17 what their job responsibilities were or the  18 questions that arose, she applied her knowledge as  19 an HR professional, if this makes sense.  20 BY MS. SMITH:  21 Q. Do you believe that she was  22 understanding of their issues, the plaintiffs'  23 issue?  24 MR. LEES: Objection to the form.</p>
<p>Page 55</p> <p>1 reason why she wouldn't be permitted to have a  2 witness in a meeting that she felt uncomfortable  3 with?  4 A. I -- yeah, I don't see why not.  5 Q. Okay.  6 If she had meetings scheduled with you  7 and requested a witness, would you have granted  8 that?  9 A. Perhaps.  10 MS. PIPAK: Object to the form.  11 BY MS. SMITH:  12 Q. So it's your testimony, Ms. Kutzler, if  13 I understand it correctly, again, correct me if  14 I'm wrong, that you were not involved in anyway or  15 privy to the restructuring, as the county calls  16 it, of the tax assessment and tax claim bureau?  17 A. Correct.  18 Q. And -- and you yesterday, I believe,  19 testified that you were unaware that Defendant  20 Halcovage had voted on the restructuring, which  21 reduced the pay of Jane Doe 3 and Jane Doe 4,  22 correct?  23 A. Correct.  24 Q. What was your opinion of Ms. Zula's</p>	<p>Page 57</p> <p>1 MS. PIPAK: Object to the form.  2 THE WITNESS: Yes.  3 - - -  4 (Previously marked Exhibit-120.)  5 - - -  6 BY MS. SMITH:  7 Q. Ms. Zula -- or Ms. Kutzler, I'm sorry, I  8 would like you to take a look at what's been  9 previously marked as Exhibit-120.  10 Do you recognize this e-mail?  11 A. No.  12 Q. You are cc'd on it, correct?  13 A. Yes.  14 Q. Any idea what it means by plan, that's  15 in parenthesis?  16 A. No.  17 Q. Is there a plan or discussions about  18 removing Jane Doe 3 or Jane Doe 4 from their  19 positions, whether in part or in full in January  20 of 20 --  21 MS. PIPAK: Catherine, correct me  22 if I'm wrong, but isn't this the one that we --  23 MS. SMITH: You did. And there's  24 still an outstanding issue on it, which the DOJ</p>



<p>1 addressed as it was an untimely call back.  2 MS. PIPAK: Right. And -- and it's  3 not been addressed. So I'm just going to preserve  4 my position for the record. We'll move to strike  5 this. But I don't think you raised an objection  6 with respect to the untimeliness of the call back.  7 MS. SMITH: The DOJ raised it.  8 It's on behalf of the plaintiffs as a whole.  9 MS. PIPAK: Right. And they  10 weren't on behalf of the plaintiff. That's been  11 very clear that they weren't the plaintiff's  12 attorney.  13 MS. SMITH: They -- it was --  14 MS. PIPAK: That was a separate  15 issue.  16 MS. SMITH: Right. The whole issue  17 was addressed though. It didn't need to be  18 reiterated in another e-mail to you.  19 MS. PIPAK: Well, I don't think  20 then that you're timely under the -- the callback  21 order and I'm just going to say -- I am going to  22 reserve my objection on this. You've never raised  23 an issue about the timeliness of the callback.  24 MS. SMITH: It was raised by the</p>	<p>Page 58</p> <p>1 MS. SMITH: Matt, if you can put  2 139 up on the screen. Thank you.  3 - - -  4 (Previously marked Exhibit-139.)  5 - - -  6 BY MS. SMITH:  7 Q. Do you recognize this e-mail?  8 A. No.  9 Q. You are cc'd on it though, correct?  10 A. I am.  11 Q. And this is an e-mail that indicates  12 that on Wednesday, March 17th, the commissioners  13 are going -- it will be recommended to the board  14 of commissioners that the tax assessment and tax  15 claim offices be restructured into two separate  16 offices under the leadership in accordance with  17 the county's policy and procedure. And that Jane  18 Doe 3's annual salary is going to change.  19 Do you see that -- I'm sorry --  20 A. I do.  21 Q. Jane Doe 4's salary is going to change?  22 If we -- and you can look back if you  23 need to. If we look back at 137, that e-mail in  24 which is a couple days before which indicates</p> <p>Page 60</p>
<p>1 DOJ. The issue didn't need to be raised twice.  2 MS. PIPAK: Not sure that that's  3 correct.  4 MS. SMITH: Okay. Well, then it  5 needs to be addressed with the judge and if it's  6 your callback, then you should address it with the  7 judge.  8 MS. PIPAK: Okay. But I'm going to  9 preserve my position for the record.  10 MS. SMITH: Okay. And -- and you  11 have at this point, so...  12 MS. PIPAK: Okay.  13 BY MS. SMITH:  14 Q. Did you -- do you know, Ms. Kutzler,  15 what the plan was that was mentioned in this  16 e-mail?  17 A. No.  18 Q. Okay.  19 And you don't recall any discussions in  20 January of 2021, of removing Jane Doe 3 or Jane  21 Doe 4 from either or both of their positions?  22 A. No.  23 Q. I want you to turn to 139 in the book.  24 There may be two in there. I apologize.</p> <p>Page 59</p>	<p>1 that -- in the middle e-mail on the first page,  2 that Jane Doe 4 was out for the death of a family  3 member.  4 Do you see that?  5 A. Yes.  6 Q. Is there any -- what -- what's your  7 opinion or what -- as an HR professional, as to  8 deliverance of the news that positions will be  9 changed and salaries will be changed to someone --  10 to someone who is out on bereavement leave?  11 A. So was Jane Doe 4 still out on the 15th?  12 Q. I am going to represent to you that she  13 was and assuming from my question, that she was.  14 Is deliverance of news that your position is  15 changing and your salary is being reduced,  16 appropriate from an HR standpoint?  17 MR. LEES: Note my objection to the  18 form.  19 You can answer.  20 THE WITNESS: No.  21 BY MS. SMITH:  22 Q. Okay.  23 You played or had some involvement in  24 the role in the commissioners meetings at points,</p> <p>Page 61</p>



<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And sometimes there were things that</p> <p>5 were placed on the agenda and/or the PARs were</p> <p>6 completed that were going to be voted on at</p> <p>7 different times, correct?</p> <p>8 A. Yes.</p> <p>9 Q. If there was something that was going to</p> <p>10 be voted on, but something like a death in the</p> <p>11 family of someone it affected was -- had occurred,</p> <p>12 something could be pulled from the agenda or the</p> <p>13 PAR, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Just because it was on the PAR, does --</p> <p>17 did not mean that it must be voted on at that next</p> <p>18 commissioners meeting, correct?</p> <p>19 A. There are specific guidelines for when</p> <p>20 information or the -- the change, the transfer,</p> <p>21 the hire, the effective date of it, so there's --</p> <p>22 and I'm not going to get this right.</p> <p>23 There's commissioners meetings and</p> <p>24 there's work sessions.</p>	<p>Page 62</p> <p>1 Q. If you were HR director at the time and</p> <p>2 there was a vote regarding Ms. -- Jane Doe 4's</p> <p>3 salary and position changing and she was on</p> <p>4 bereavement leave, would you have recommended that</p> <p>5 it be removed and voted on at a later date?</p> <p>6 MR. LEES: Just note my objection</p> <p>7 to the form.</p> <p>8 MS. PIPAK: Objection.</p> <p>9 THE WITNESS: I would have rec --</p> <p>10 made the recommendation.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Were you still working at the county</p> <p>13 when Ms. Helene O'Connor resigned or I should say</p> <p>14 her contract ended?</p> <p>15 A. I was conducting the training.</p> <p>16 Q. Did you speak with her or learn in</p> <p>17 anyway why she was not extending her contract?</p> <p>18 A. No.</p> <p>19 Q. Did you speak with her about her</p> <p>20 thoughts on the operation of the tax assessment</p> <p>21 office at any point?</p> <p>22 A. Not that I recall.</p> <p>23 Q. At any point during your work with the</p> <p>24 county, did you modify, change, update any of the</p>
<p>Page 63</p> <p>1 Q. Right.</p> <p>2 A. And there's a difference. I can't tell</p> <p>3 you the difference, but there are certain things</p> <p>4 that happen in one or the other, in which motions</p> <p>5 are approved. So based upon the timing in which</p> <p>6 this was supposed to take effect, on Thursday,</p> <p>7 March 18th, they typically didn't do things</p> <p>8 retrospectively, but prospectively, which would</p> <p>9 have driven why it was going to the board on the</p> <p>10 17th.</p> <p>11 Q. Right.</p> <p>12 But if they had pulled it from the</p> <p>13 board's vote on the 17th, it could still happen,</p> <p>14 it just couldn't happen probably by -- on the</p> <p>15 18th?</p> <p>16 A. Correct.</p> <p>17 Q. So they would have had to move that</p> <p>18 18th -- the day that it was in effect if they</p> <p>19 voted on it later?</p> <p>20 A. Yes.</p> <p>21 Q. Did you ever see them vote</p> <p>22 retroactively?</p> <p>23 A. There may have been occasions. I can't</p> <p>24 recall any specific examples.</p>	<p>Page 65</p> <p>1 job descriptions that the county has for each</p> <p>2 position within it?</p> <p>3 A. We did work on the three positions in</p> <p>4 the HR department, but I don't remember if that</p> <p>5 was -- I think that was my second tour --</p> <p>6 Q. Okay.</p> <p>7 A. -- that we...</p> <p>8 Q. And that would be the HR director?</p> <p>9 A. Andrea Whalen.</p> <p>10 Q. You said you worked on the three</p> <p>11 positions. That --</p> <p>12 A. That -- sorry. The HR specialist, the</p> <p>13 benefit administrator, and the HR generalist.</p> <p>14 Q. Okay.</p> <p>15 A. Or HR assistant.</p> <p>16 Q. Were they updated?</p> <p>17 A. They were updated when Andrea came on</p> <p>18 board, Ms. Whalen came on board.</p> <p>19 Q. Okay.</p> <p>20 So they have since more recently been</p> <p>21 updated?</p> <p>22 A. Yes.</p> <p>23 Q. And you were involved in those edits or</p> <p>24 updates?</p>

<p>Page 66</p> <p>1 A. Yes.</p> <p>2 Q. Any other job titles or positions that</p> <p>3 you were involved in updating?</p> <p>4 A. Not that I can recall. There may have</p> <p>5 been Elaine Gilbert in mental health and</p> <p>6 developmental services, we were working on being</p> <p>7 excused from civil service, so there were a number</p> <p>8 of job descriptions that we worked on. I worked</p> <p>9 on several in her department. I worked on several</p> <p>10 with senior services and also children and youth.</p> <p>11 Q. Okay.</p> <p>12 Is -- at any point did you review any of</p> <p>13 the plaintiff's job -- job descriptions, either on</p> <p>14 your own or in connection with another individual</p> <p>15 to see if the plaintiffs were performing they're</p> <p>16 job duties as described?</p> <p>17 A. Yes, I did review them.</p> <p>18 Q. Do you know which plaintiffs job</p> <p>19 description you reviewed?</p> <p>20 A. Jane Doe 2's.</p> <p>21 Q. And did you do that on your own or with</p> <p>22 someone else?</p> <p>23 A. On my own.</p> <p>24 Q. At your own doing or at the instruction</p>	<p>Page 68</p> <p>1 the county for the position of first assistant</p> <p>2 solicitor and risk manager, correct?</p> <p>3 A. Yes.</p> <p>4 Q. All right.</p> <p>5 And this would be the position that</p> <p>6 Glenn Roth held while you were working at the</p> <p>7 county, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you do -- have a lot of interaction</p> <p>10 with Mr. Roth?</p> <p>11 A. I did.</p> <p>12 Q. Did you have the opportunity to conduct</p> <p>13 any work with him?</p> <p>14 A. Such as?</p> <p>15 Q. So more so then -- obviously people can</p> <p>16 have interactions with their coworkers in passing,</p> <p>17 if your offices are near each other. But did you</p> <p>18 have an opportunity to collaborate or work</p> <p>19 together on any county issues?</p> <p>20 A. Because Heather Garrity, the HR</p> <p>21 specialist, was also the assistant risk manager,</p> <p>22 we worked together closely with Glenn when it came</p> <p>23 to Workers' Comp claims and issues.</p> <p>24 Q. Okay.</p>
<p>Page 67</p> <p>1 of someone else?</p> <p>2 A. When the -- when I was informed that the</p> <p>3 individuals were going through CPE training, just</p> <p>4 to get a better understanding of what a field</p> <p>5 appraiser does in their role.</p> <p>6 Q. Okay.</p> <p>7 So not to look at -- you didn't look at</p> <p>8 it to see if Jane Doe 2 was completing her duties,</p> <p>9 to was more so just to get an understanding of the</p> <p>10 duties?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 So did you review any plaintiffs job</p> <p>14 description to see if they were compliant with</p> <p>15 their job descriptions?</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 I'm going to show you what's been</p> <p>19 previously marked as Exhibit-30.</p> <p>20 - - -</p> <p>21 (Previously marked Exhibit-30.)</p> <p>22 - - -</p> <p>23 BY MS. SMITH:</p> <p>24 Q. This is one of the job descriptions of</p>	<p>Page 69</p> <p>1 As it relates to what duties and</p> <p>2 responsibilities the risk manager has under this</p> <p>3 job description, which, correct me if I'm wrong,</p> <p>4 was in effect and controlled for Mr. Roth's</p> <p>5 position at the time that you worked at the</p> <p>6 county, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 So as it relates to this, do you believe</p> <p>10 that these job duties and responsibilities require</p> <p>11 Mr. Roth to do anything if he were to receive a</p> <p>12 report of gender discrimination, sexual</p> <p>13 harassment, retaliation?</p> <p>14 A. Sure. It's the responsibility of an</p> <p>15 individual when they become aware to report it.</p> <p>16 Q. What -- to report it to whom, in your</p> <p>17 mind?</p> <p>18 A. If not their direct supervisor, then</p> <p>19 human resources.</p> <p>20 Q. Would telling an individual who reported</p> <p>21 such things, gender discrimination, sexual</p> <p>22 harassment, retaliation, if that -- if someone</p> <p>23 reported that to Mr. Roth, would it be sufficient</p> <p>24 for Mr. Roth to tell them you should report it to</p>

<p>Page 70</p> <p>1 HR?</p> <p>2 A. Yes.</p> <p>3 Q. Would Mr. Roth also have a duty to</p> <p>4 report it himself?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 Just simply telling the person, you can</p> <p>8 go to HR, isn't enough, he also had an affirmative</p> <p>9 duty to tell someone?</p> <p>10 A. Yes.</p> <p>11 MS. MENDEZ: Objection to form.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. We looked at a number of e-mails over</p> <p>14 the course of yesterday and maybe even a few that</p> <p>15 included it today, about complaints by some of the</p> <p>16 plaintiffs hostile work environment issues in</p> <p>17 their departments.</p> <p>18 Did you ever involve Mr. Roth in any</p> <p>19 issues that the plaintiffs brought to your</p> <p>20 attention?</p> <p>21 A. No.</p> <p>22 MS. PIPAK: Object to the form.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. If they were plaintiffs in a case</p>	<p>Page 72</p> <p>1 MS. PIPAK: I am going to -- she --</p> <p>2 I am -- okay.</p> <p>3 THE WITNESS: Sorry.</p> <p>4 MS. PIPAK: I am going to just note</p> <p>5 for the record that you're seeking attorney-client</p> <p>6 communications. I am noting my objection.</p> <p>7 You can move forward.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Was the assistant -- I think you called</p> <p>10 it assistant risk -- risk manager, is that what</p> <p>11 it's called? Were -- that was who?</p> <p>12 A. Heather Garrity.</p> <p>13 Q. Was Heather Garrity brought into any</p> <p>14 issues or discussions with -- regarding the</p> <p>15 plaintiffs and their claims?</p> <p>16 A. No.</p> <p>17 Q. Can you tell me what, if any -- you can</p> <p>18 just tell me generally and I can go to more</p> <p>19 questions if you have information, but do you have</p> <p>20 any information or knowledge of the investigation</p> <p>21 into unauthorized searches by Jane Doe 3 or Jane</p> <p>22 Doe 4 on LexisNexis?</p> <p>23 A. I do not.</p> <p>24 Q. So you have not seen or reviewed any</p>
<p>Page 71</p> <p>1 against the county, which would mean litigation,</p> <p>2 why isn't -- why is that Mr. Roth wasn't brought</p> <p>3 in?</p> <p>4 MS. PIPAK: Object to the form.</p> <p>5 THE WITNESS: He was -- he was a</p> <p>6 defendant.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Did you bring any other county solicitor</p> <p>9 into the discussions?</p> <p>10 MR. LEES: Just note my objection</p> <p>11 to the form.</p> <p>12 MS. PIPAK: I'm going to object to</p> <p>13 the -- I am going to object here to the extent</p> <p>14 that this calls for litigation strategy and I</p> <p>15 think it's attorney-client privilege if she -- if</p> <p>16 you're asking about if she talked to other</p> <p>17 solicitors.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Okay.</p> <p>20 Well, I'll ask this question: Did you</p> <p>21 receive advice of counsel from any of the county</p> <p>22 solicitors, as to how to act regarding the</p> <p>23 plaintiffs?</p> <p>24 A. No.</p>	<p>Page 73</p> <p>1 reports or documents from Eckert Seamans?</p> <p>2 MS. PIPAK: I am going to object on</p> <p>3 that to the extent that this calls for</p> <p>4 attorney-client communications, if she saw any</p> <p>5 report or had communications about what a lawyer</p> <p>6 said.</p> <p>7 MS. SMITH: I mean, so it comes</p> <p>8 back to the issue that, Paul, you will have to</p> <p>9 address this because if your client is asserting</p> <p>10 advice of counsel in that if she acted in anyway</p> <p>11 at the advice of counsel and they're objecting, we</p> <p>12 have the issue because you can't have your cake</p> <p>13 and eat it too and that you guys want to --</p> <p>14 MR. LEES: Well, I -- I understand</p> <p>15 that. But I don't think your question was seeking</p> <p>16 advice of counsel. I think you were asking the</p> <p>17 witness whether she saw or observed any reports</p> <p>18 by -- authored by Eckert Seamans regarding the</p> <p>19 LexisNexis matter. Correct me if I'm wrong.</p> <p>20 MS. SMITH: Correct, because I need</p> <p>21 to lay --</p> <p>22 MR. LEES: So -- so --</p> <p>23 MS. SMITH: To lay the foundation.</p> <p>24 And if I can't lay the foundation to get to</p>

<p>1 whether there was advice of counsel -- I mean, I  2 can ask her that bluntly, but I was trying to lay  3 the foundation as to that she saw the reports and  4 then acted upon what the instructions were for  5 them.</p> <p>6 MR. LEES: Well, I think she's  7 already testified though that she didn't have any  8 involvement in the investigation of the LexisNexis  9 matter. So how would she have acted on it if she  10 wasn't involved in it?</p> <p>11 MS. SMITH: Well, she -- because  12 there was -- there's the involvement of the  13 investigation, there's the conducting of it, and  14 there's the acting on it. And I think we have  15 seen through the testimony that there's often  16 times that there was actions done, investigations,  17 quote, unquote, done. Ms. Kutzler, she's  18 indicated was just the communicator or the conduit  19 of it. So she may have acted and taken the  20 adverse employment action against the plaintiff,  21 not after her own investigation, but at the  22 instruction or advice of someone else.</p> <p>23 MR. LEES: Why don't we --</p> <p>24 MS. PIPAK: Well, she wasn't taking</p>	<p>Page 74</p> <p>1 if she was told by an attorney, either from Eckert  2 Seamans or the county, and Ms. Kutzler wants to,  3 at trial, assert that the attorneys told her and  4 therefore she's not liable, that is advice of  5 counsel.</p> <p>6 And if she's going to assert it,  7 but the county is going to serve privilege, then  8 this is an issue that you and Mr. Lees need to  9 address with the court because you guys can't have  10 your cake and eat it too, you can't use your short  11 sword and your shield.</p> <p>12 MS. PIPAK: No --</p> <p>13 MR. LEES: I -- I don't necessarily  14 --</p> <p>15 MS. PIPAK: She didn't have the  16 authority to fire anybody or suspend anybody. She  17 these made that clear, that she's only acting on  18 behalf as a conduit. So you can ask her if she  19 did those things -- if she did those things, if  20 she fired somebody, if she suspended somebody, if  21 she did those things, took those actions, that's  22 one thing. I think the testimony is clear that  23 she didn't take those actions, so there would be  24 no advice of counsel defense here.</p> <p>Page 76</p>
<p>1 an adverse -- an alleged adverse action if she was  2 just the conduit. She wasn't a decision maker,  3 she wasn't an actor, she was a conduit, so --</p> <p>4 MS. SMITH: But if she's the one  5 who, for instance, fired someone, if that was the  6 hypothetical, she fired someone, the firing is an  7 adverse employment action. That's where the  8 advice of counsel issue comes in. If she was  9 advised to fire Jane Doe 3 or Jane Doe 4 or demote  10 them or put them on unpaid suspension for a year  11 and a half and she was advised to do that by an  12 attorney or by Mr. Bender, that -- Mr. Bender is  13 not an attorney, so it comes in. If she was  14 advised to put them on unpaid suspension at the  15 advice of counsel and she's going to use that as  16 her defense that she is not liable for the adverse  17 employment action that occurred, that would be  18 advice of counsel.</p> <p>19 MS. PIPAK: Well, I think you're  20 mixing apples and oranges here. So that would  21 have been at the advice of Mr. Bender, not the  22 advice of counsel.</p> <p>23 MS. SMITH: I said if it was Mr.  24 Bender, it's not advice of counsel, I said. But</p>	<p>Page 75</p> <p>1 MR. LEES: And -- and -- and that  2 was -- that was actually what I was going to get  3 to. Why don't you just ask the -- the concluding  4 question, which would be, did she take any actions  5 and it would kind of moot then the whole -- whole  6 issue as to whether such actions were taken on the  7 advice of counsel.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Ms. Kutzler, did you take any action  10 related to Jane Doe 3 or Jane Doe 4 regarding  11 LexisNexis?</p> <p>12 A. No.</p> <p>13 Q. Okay.</p> <p>14 Were you ever asked by Mr. Bender to  15 review a list of searches?</p> <p>16 A. No.</p> <p>17 Q. Were you ever -- were you involved in  18 anyway the referral of Jane Doe 3 or Jane Doe 4 to  19 the district attorney's office for criminal  20 investigation?</p> <p>21 A. No.</p> <p>22 Q. Have you ever reviewed or seen the  23 county's computer access policy?</p> <p>24 A. I've seen it.</p> <p>Page 77</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. What's your understanding of the</p> <p>2 county's computer access policy?</p> <p>3 A. That it's -- equipment and software are</p> <p>4 county property and it's supposed to be used in a</p> <p>5 professional, respectful, trusting manner.</p> <p>6 There are specific guidelines around the</p> <p>7 security and whether or not there's fishing or</p> <p>8 spam or anything that could be questionable.</p> <p>9 Q. Is it your understanding that the</p> <p>10 computer access policy of the county permits for</p> <p>11 limited and occasional personal use of computers</p> <p>12 and the Internet?</p> <p>13 A. It's discouraged, but it happens.</p> <p>14 Q. But for instance, an employee on like a</p> <p>15 lunch break who might still be sitting at their</p> <p>16 desk, could use it to check their personal e-mail</p> <p>17 or Facebook or something like that?</p> <p>18 A. Sure.</p> <p>19 Q. Of course, you're not supposed to do it</p> <p>20 during work hours while you're, you know, on</p> <p>21 county time; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 But if -- like I said, if someone's on a</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. And this is the county's sexual</p> <p>2 harassment policy. It looks like it was last</p> <p>3 revised in September of 2013.</p> <p>4 A. Yes.</p> <p>5 Q. This was the one that was in effect when</p> <p>6 you were at the county for the first stint,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And this is the one you actively worked</p> <p>10 to revise?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 I'm sorry if you answered this, the</p> <p>14 revisions to this policy that you made, was it you</p> <p>15 and only you who made those revisions or did you</p> <p>16 work in conjunction with someone else?</p> <p>17 A. That was me.</p> <p>18 Q. Okay.</p> <p>19 So it was you and only you?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 And what was your opinion or thoughts on</p> <p>23 this policy, the September 2013 policy, when you</p> <p>24 reviewed it?</p>
<p style="text-align: right;">Page 79</p> <p>1 break, they would be permitted to -- to use their</p> <p>2 county computer for personal use?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 MS. SMITH: We're going to look at</p> <p>6 Document 106. This is the county's jury duty and</p> <p>7 subpoena policy and some revisions that were made</p> <p>8 to it in, it appears, March of 2021.</p> <p>9 - - -</p> <p>10 (Previously marked Exhibit-106.)</p> <p>11 - - -</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Were you involved in the revision of</p> <p>14 this policy?</p> <p>15 A. No.</p> <p>16 Q. Okay. You can put that one aside then.</p> <p>17 MS. SMITH: We're going to look at</p> <p>18 Exhibit-97.</p> <p>19 - - -</p> <p>20 (Previously marked Exhibit-97 and 98.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Do you recognize this policy?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1 MR. LEES: Just note my objection</p> <p>2 to the form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: I think it's a</p> <p>5 comprehensive policy, but long outdated.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. I'm going to put in front of you --</p> <p>8 MS. SMITH: Also, Matt, if you can</p> <p>9 split screen for Exhibit-97 and Exhibit-98.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Okay.</p> <p>12 So if we look at now 98 in conjunction</p> <p>13 with 97, 98 is the February 2021 revised copy of</p> <p>14 the county's sexual harassment policy, correct?</p> <p>15 A. Yes.</p> <p>16 Q. So I have one question for you: The</p> <p>17 policy number is the same, but the subject or the</p> <p>18 name is changed?</p> <p>19 A. Yes.</p> <p>20 Q. Why -- why the change in -- it's the</p> <p>21 same policy, right?</p> <p>22 A. Correct.</p> <p>23 Q. Why the change in names?</p> <p>24 A. So that its more inclusive than just</p>



<p>Page 82</p> <p>1 sexual harassment.</p> <p>2 Q. Okay.</p> <p>3 If we look to the third page of 97.</p> <p>4 A. Procedures for making an investigation?</p> <p>5 Q. Yes.</p> <p>6 A. Okay.</p> <p>7 Q. There is in deed, a whole host of</p> <p>8 responsibilities of the HR director or -- yeah, HR</p> <p>9 director and county administrator. In fact,</p> <p>10 there's 18 of them and they go all the way to two</p> <p>11 pages later, Page 5.</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. Those are not included in the revised</p> <p>15 copy, the Exhibit-98 or the February 2021.</p> <p>16 Why were the duties of the county</p> <p>17 administrator removed from the policy?</p> <p>18 A. It's standard practice for an HR</p> <p>19 professional to cover all of these areas within</p> <p>20 the policy and rather than be specific or have it</p> <p>21 in black and white, if you will, it's to provide</p> <p>22 flexibility for interpretation and administration</p> <p>23 of the policy.</p> <p>24 Q. So it's -- I think you said it's common</p>	<p>Page 84</p> <p>1 order.</p> <p>2 Q. If we look back to 226, which is going</p> <p>3 to be probably in that stack of exhibits before</p> <p>4 you. I apologize.</p> <p>5 It's the acknowledgment form by</p> <p>6 Commissioner Halcovage that we looked at.</p> <p>7 MS. SMITH: I'm sorry. 2 -- 29 --</p> <p>8 296, I apologize, not 226, Matt, sorry.</p> <p>9 THE WITNESS: Yep.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Okay.</p> <p>12 We had looked at that form and I asked</p> <p>13 you if you had revised it for the date. That</p> <p>14 indicates a policy revision date of January 2021,</p> <p>15 but I have -- we have the September and then</p> <p>16 February, there's no January for these policies; is</p> <p>17 that just a typo?</p> <p>18 A. I imagine it was based upon when Mr.</p> <p>19 Bender and the commissioners received the policy</p> <p>20 and then approved it, because this goes -- this</p> <p>21 went in front of the commissioners for approval.</p> <p>22 Q. When you say this, just for the record,</p> <p>23 you are talking about the February 2021 revision?</p> <p>24 A. Yes.</p>
<p>Page 83</p> <p>1 practice of an HR director to do these things.</p> <p>2 But in your experience, is it common practice for</p> <p>3 a county administrator to know to do these things?</p> <p>4 A. I would -- I would say yes.</p> <p>5 Q. Okay.</p> <p>6 And is it common knowledge of county</p> <p>7 employees to know what the responsibilities -- or</p> <p>8 what responsibilities are owed to them by their</p> <p>9 county administrator and human resources director?</p> <p>10 MR. LEES: Just note my objection</p> <p>11 to the form.</p> <p>12 THE WITNESS: I think that</p> <p>13 employees are to be made aware of a -- a work</p> <p>14 environment that's free from harassment or</p> <p>15 discriminatory treatment.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Do you think it's important for an</p> <p>18 employee to understand what steps their</p> <p>19 supervisory -- their supervisors, such as the</p> <p>20 county administrator and human resources</p> <p>21 individual, is supposed to take in response to</p> <p>22 their claims?</p> <p>23 A. Each case is different, so it's not</p> <p>24 always going to follow these in any particular</p>	<p>Page 85</p> <p>1 Q. Okay.</p> <p>2 So you think that January might have</p> <p>3 been when you revised it and February was when it</p> <p>4 actually got approved and implemented?</p> <p>5 A. Correct.</p> <p>6 Q. So there is not another revision between</p> <p>7 these two that I should be looking?</p> <p>8 A. Correct.</p> <p>9 Q. Okay.</p> <p>10 And so did Defendant Halcovage have</p> <p>11 input, at least by vote, on the revision of the</p> <p>12 sexual harassment policy?</p> <p>13 A. Yes. They -- each commissioner and Mr.</p> <p>14 Bender and Mr. Roth all reviewed it. I don't</p> <p>15 recall if they had any revisions.</p> <p>16 Q. Did you feel from an HR standpoint, that</p> <p>17 it was appropriate for someone accused of sexual</p> <p>18 harassment to be voting on the anti-harassment,</p> <p>19 non-discrimination policy?</p> <p>20 A. They vote on all policies.</p> <p>21 Q. Do you think that he should have --</p> <p>22 Defendant Halcovage should have recused himself</p> <p>23 from this one?</p> <p>24 MS. PIPAK: I am going to object to</p>

<p>1 the form.</p> <p>2 But you can answer.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Even though he was accused of sexual</p> <p>6 harassment?</p> <p>7 A. He should learn from it.</p> <p>8 Q. There was another revision to this</p> <p>9 policy in May of 2021. Were you involved in that?</p> <p>10 A. No. Ms. Zula --</p> <p>11 Q. Okay.</p> <p>12 A. -- revised that and --</p> <p>13 Q. Do you -- go ahead. Sorry.</p> <p>14 A. Sorry. Specifically, she took out the</p> <p>15 names of the individuals in the second paragraph</p> <p>16 and just maintained the titles.</p> <p>17 Q. Okay.</p> <p>18 And one of those names in --</p> <p>19 MS. SMITH: If we look at 98, Matt.</p> <p>20 BY MS. SMITH</p> <p>21 Q. Is Christopher Hobbs. Did you ask</p> <p>22 Mr. Hobbs if he would consent to being an EEO</p> <p>23 officer?</p> <p>24 A. We did have a conversation about it.</p>	<p>Page 86</p> <p>1 Q. All right, Ms. Kutzler. Sorry. I do</p> <p>2 have just a couple more questions for you.</p> <p>3 So more recently since Andrea Whalen has</p> <p>4 been employed by the county as the HR director,</p> <p>5 Jane Doe 3 and Jane Doe 4 have sent a number of</p> <p>6 e-mails in which you were cc'd about questions</p> <p>7 regarding their benefits, their ability to work in</p> <p>8 Ms. Casey's office.</p> <p>9 Do you recall receiving those?</p> <p>10 A. Yes.</p> <p>11 Q. Were you -- did you discuss them at all</p> <p>12 with anyone from the county?</p> <p>13 A. Ms. Whalen.</p> <p>14 Q. Okay.</p> <p>15 And what discussions did you have</p> <p>16 regarding those?</p> <p>17 A. That there is a county policy that</p> <p>18 speaks to individuals not having the ability to</p> <p>19 hold two positions at the same time within the</p> <p>20 county.</p> <p>21 Q. And is it your understanding that any</p> <p>22 county employee cannot hold two positions or is it</p> <p>23 depending on the number of hours in each position?</p> <p>24 A. Two full-time positions.</p> <p>Page 88</p>
<p>Page 87</p> <p>1 Q. And -- and what was the contents of that</p> <p>2 conversation?</p> <p>3 A. He -- when I spoke with him, and</p> <p>4 actually Mr. Bender, they weren't -- we weren't</p> <p>5 together, but I had referenced that he was going</p> <p>6 to be listed in the policy and I never received</p> <p>7 any feedback.</p> <p>8 Q. So he didn't object or consent, he kind</p> <p>9 of just --</p> <p>10 A. Correct.</p> <p>11 Q. -- silenced?</p> <p>12 A. Correct.</p> <p>13 MS. SMITH: Okay. If we can go off</p> <p>14 the record, take a couple-minute break. I just</p> <p>15 need to review my notes and I may be done.</p> <p>16 VIDEOGRAPHER: The time is now</p> <p>17 10:22 a.m. and we're going off the record.</p> <p>18 - - -</p> <p>19 (Whereupon, brief recess was held off</p> <p>20 the record.)</p> <p>21 - - -</p> <p>22 VIDEOGRAPHER: The time is now</p> <p>23 10:30 a.m. and we're back on the record.</p> <p>24 BY MS. SMITH:</p>	<p>Page 89</p> <p>1 Q. Okay.</p> <p>2 So, for instance, an employee can hold</p> <p>3 two part-time positions with the county?</p> <p>4 A. I think, yes.</p> <p>5 Q. And as long as their hours -- I think it</p> <p>6 doesn't exceed 35 or 40, they can hold more than</p> <p>7 one position, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Did you have any discussions about the</p> <p>10 fact that Jane Doe 3 and Jane Doe 4 are not</p> <p>11 working any hours in the tax claim bureau because</p> <p>12 of their suspension?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 Do you consider or did you decision that</p> <p>16 they have zero -- technically zero hours because</p> <p>17 of their suspension in that position?</p> <p>18 A. Correct.</p> <p>19 MR. LEES: Object to the form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: Yeah. They're --</p> <p>22 they're considered active employees.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. But they're not working any hours,</p>

<p>Page 90</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. So is it your understanding that that</p> <p>4 policy you're referring to, because it could be</p> <p>5 working hours, prohibits them from holding another</p> <p>6 position?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 So it's just the ability to work hours?</p> <p>10 A. Correct.</p> <p>11 Q. All right.</p> <p>12 Did you discuss this at all with Mr.</p> <p>13 Bender?</p> <p>14 A. Yes.</p> <p>15 Q. And what was Mr. Bender's position?</p> <p>16 A. That an employee can't hold more than</p> <p>17 two -- well, more than one full-time position</p> <p>18 within the county.</p> <p>19 Q. Do you know if Ms. Whalen responded to</p> <p>20 Jane Doe 3 and Jane Doe 4, informing them of that?</p> <p>21 A. I understand that she provided copies of</p> <p>22 the policy to them. To what extent she explained,</p> <p>23 I don't know.</p> <p>24 Q. Okay.</p>	<p>Page 92</p> <p>1 A. No.</p> <p>2 Q. Who made the decision?</p> <p>3 A. My understanding was it was Mr.</p> <p>4 Marshall.</p> <p>5 Q. Okay.</p> <p>6 So it's your understanding -- so you</p> <p>7 spoke with Mr. Bender, he spoke with Mr. Marshall,</p> <p>8 and then you were informed -- or you and Ms.</p> <p>9 Whalen were informed of how to respond?</p> <p>10 A. I don't know. I'm not aware of any</p> <p>11 discussions between Mr. Bender and Mr. Marshall.</p> <p>12 Q. Okay.</p> <p>13 But you're aware that Mr. Bend -- you</p> <p>14 believe that Mr. Bender didn't make the decision?</p> <p>15 A. Correct.</p> <p>16 Q. Okay.</p> <p>17 Were you involved at all or privy to the</p> <p>18 communications to Jane Doe 2 regarding her</p> <p>19 abandonment of her job?</p> <p>20 A. I was aware that it was taking place.</p> <p>21 Q. Okay.</p> <p>22 What, if any information, did you have</p> <p>23 regarding that?</p> <p>24 A. The -- there was information from</p>
<p>Page 91</p> <p>1 Do you know, did Mr. Bender communicate</p> <p>2 with the plaintiffs, Jane Doe 3 and Jane Doe 4,</p> <p>3 about this?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. Do you know -- are you aware that Mr. Al</p> <p>6 Marshall responded to -- to some of Jane Doe 3's</p> <p>7 inquires?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 Is it your understanding that Mr. Bender</p> <p>11 made the decision, up for interpretation, of the</p> <p>12 policy related to those -- to holding -- to Jane</p> <p>13 Doe 3 and Jane Doe 4 holding two separate</p> <p>14 positions?</p> <p>15 A. Sorry. Can --</p> <p>16 MS. PIPAK: Object to the form.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. So you said you discussed with Mr.</p> <p>19 Bender, the policy and how it would be applied to</p> <p>20 Jane Doe 3 and Jane Doe 4, given their ability to</p> <p>21 work, but not actually working the hours.</p> <p>22 Is it your understanding that Mr. Bender</p> <p>23 was the one who made the decision that that's how</p> <p>24 the policy is interpreted?</p>	<p>Page 93</p> <p>1 Ms. Zimmerman that her last communication with</p> <p>2 Jane Doe 2 was April 26th, maybe the 27th, and</p> <p>3 that was the last that she had any dialogue with</p> <p>4 Jane Doe 2.</p> <p>5 Q. Okay.</p> <p>6 Did you -- or are you aware of anyone on</p> <p>7 behalf of the county who spoke with Jane Doe 2</p> <p>8 regarding the allegations that she had abandoned</p> <p>9 her job?</p> <p>10 A. Not to my knowledge.</p> <p>11 Q. Are you aware that Jane Doe 2</p> <p>12 corresponded with county employees and told them</p> <p>13 that she was not abandoning her position?</p> <p>14 MS. PIPAK: Object to the form.</p> <p>15 You can answer.</p> <p>16 THE WITNESS: Not to my knowledge.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Okay.</p> <p>19 So you're not aware that Jane Doe 2</p> <p>20 informed Ms. Whalen that she had tried to</p> <p>21 communicate, but wasn't being given any work to</p> <p>22 do?</p> <p>23 MS. PIPAK: Object to the form.</p> <p>24 You can answer.</p>

<p>Page 94</p> <p>1 THE WITNESS: Ms. Whalen and I did</p> <p>2 have a -- she did share with me that she was</p> <p>3 working with Ms. Zimmerman regarding the work</p> <p>4 assignments that had taken place in April, prior</p> <p>5 to Jane Doe 2 not connecting or contacting</p> <p>6 Ms. Zimmerman.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. You -- were you involved at all in the</p> <p>9 drafting of the letter to Jane Doe 2, indicating</p> <p>10 that she had abandoned her position?</p> <p>11 A. No.</p> <p>12 Q. Yesterday you referred to Defendant</p> <p>13 Halcavage as a snake and I know you gave us one</p> <p>14 example of why you felt that way. Is there</p> <p>15 anything else that you can think of that you used</p> <p>16 to form the opinion that he was a snake or that he</p> <p>17 did that made you uncomfortable during your</p> <p>18 employment with the county?</p> <p>19 A. In any situation where sexual harassment</p> <p>20 may occur or a complaint is filed, when an HR</p> <p>21 professional such as myself, investigates a claim,</p> <p>22 it is very typical -- it is very unusual for the</p> <p>23 perpetrator to remain within the employment of the</p> <p>24 organization.</p>	<p>Page 96</p> <p>1 else for you. Thank you, Ms. Kutzler.</p> <p>2 THE WITNESS: Thank you.</p> <p>3 VIDEOGRAPHER: The time is now 10</p> <p>4 --</p> <p>5 MS. SMITH: I'm just going to put</p> <p>6 on the record -- we can go off the video, video</p> <p>7 record.</p> <p>8 VIDEOGRAPHER: The time is now</p> <p>9 10:37 a.m. and we're going off the record.</p> <p>10 MS. SMITH: I just like to put on</p> <p>11 the record that -- I don't know if made</p> <p>12 yesterday's record, that I indicated that I</p> <p>13 expected only to have about less than two hours</p> <p>14 today, which is pretty spot on, one hour and 40</p> <p>15 minutes. Never underestimate for an attorney,</p> <p>16 that's crazy.</p> <p>17 But that I offered and suggested</p> <p>18 that we conclude Ms. Kutzler's deposition, meaning</p> <p>19 that defendants have the opportunity to question</p> <p>20 Ms. Kutzler, given our scheduling issues. And I'm</p> <p>21 just going to make that offer again. And I think</p> <p>22 Paul would be fine with that, Mr. Lees would be</p> <p>23 fine with that as well.</p> <p>24 So I am suggesting that we conclude</p>
<p>Page 95</p> <p>1 Q. And so are you -- I understand your</p> <p>2 testimony that you believe that his unwillingness</p> <p>3 to step down is an issue?</p> <p>4 A. Yes.</p> <p>5 Q. Do you think his --</p> <p>6 MS. PIPAK: Objection to form.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Do you believe that his unwillingness to</p> <p>9 step down, and I am referring to Defendant</p> <p>10 Halcavage, is impacting the operations of the</p> <p>11 county?</p> <p>12 A. Yes.</p> <p>13 Q. Do you believe that that impact is a</p> <p>14 negative impact or a positive impact?</p> <p>15 A. Negative.</p> <p>16 Q. Do you believe, in your understanding of</p> <p>17 what occurred both before your employment and</p> <p>18 during your employment, that Defendant Halcavage</p> <p>19 committed misconduct while in office?</p> <p>20 MR. LEES: Just -- I'll just object</p> <p>21 to the form of the question.</p> <p>22 You can answer if you can.</p> <p>23 THE WITNESS: Yes.</p> <p>24 MS. SMITH: I don't have anything</p>	<p>Page 97</p> <p>1 Ms. Kutzler's deposition, but I think I understand</p> <p>2 that Ms. Pipak and Mr. Geiger, you do not wish to</p> <p>3 move forward with questioning today?</p> <p>4 MR. GEIGER: That's correct. We're</p> <p>5 going to reserve our right to question for a</p> <p>6 different day.</p> <p>7 MS. PIPAK: Right. And I'm not</p> <p>8 sure that that's a fair accurate -- accurate</p> <p>9 representation for the record, based on all the</p> <p>10 discussions we had yesterday. But it is correct</p> <p>11 that we're not moving forward today and we'll be</p> <p>12 seeking to depose her on another day.</p> <p>13 MS. SMITH: Okay. Well, what is it</p> <p>14 that you think wasn't accurate about my recitation</p> <p>15 of what occurred yesterday?</p> <p>16 MS. PIPAK: And we can reread it.</p> <p>17 But I don't think that it's fair to say that you</p> <p>18 offered yesterday that you would only have two</p> <p>19 hours based on the way that all of the depositions</p> <p>20 in the case have been going and that I made the</p> <p>21 point yesterday saying, you've always needed 14</p> <p>22 hours, it was not expected that we were going to</p> <p>23 be deposing the witness today.</p> <p>24 MS. SMITH: I didn't say that it</p>



<p>Page 98</p> <p>1 wasn't --</p> <p>2 MS. PIPAK: Based on the way past</p> <p>3 depositions went.</p> <p>4 MS. SMITH: I didn't say that it</p> <p>5 was -- I said yesterday, which was yesterday, not</p> <p>6 any time before that, yesterday when I realized</p> <p>7 that I only expected to have two hours today --</p> <p>8 THE TECHNICIAN: I think they froze</p> <p>9 up.</p> <p>10 MS. PIPAK: I understand that -- I</p> <p>11 understand that that was her position yesterday.</p> <p>12 And I just want to raise -- I just want to make</p> <p>13 clear that I raised yesterday that all the other</p> <p>14 depositions have been going for a whole two days,</p> <p>15 so it was not expected that we would be --</p> <p>16 MS. SMITH: Right.</p> <p>17 MS. PIPAK: -- it was not expected</p> <p>18 that we'd be deposing the witness today.</p> <p>19 MS. SMITH: And -- and --</p> <p>20 MR. GEIGER: Every -- every</p> <p>21 deposition was pushing the 14-hour envelope. I</p> <p>22 mean, it was -- it was -- they were -- questioning</p> <p>23 had to stop because of the limit, so...</p> <p>24 MS. PIPAK: I raised that yesterday</p>	<p>Page 100</p> <p>1 untruthful or inaccurate in my representation and</p> <p>2 I would like to clarify this.</p> <p>3 MS. PIPAK: I said it was an unfair</p> <p>4 representation --</p> <p>5 MS. SMITH: And so --</p> <p>6 MS. PIPAK: -- of the conversation,</p> <p>7 that's not what you said, but...</p> <p>8 MS. SMITH: So a statement such as</p> <p>9 that, I'd like to clarify for the record. Did I</p> <p>10 not indicate to you yesterday that I expected to</p> <p>11 only have two hours today?</p> <p>12 MS. PIPAK: Yes.</p> <p>13 MS. SMITH: Okay.</p> <p>14 MS. PIPAK: And that was not the</p> <p>15 full conversation. So it was an unfair</p> <p>16 representation of the conversation. That's all.</p> <p>17 MR. GEIGER: And I think we can add</p> <p>18 that Paul had some scheduling issues as well, that</p> <p>19 may have prevented us from fully completing our</p> <p>20 side of the questioning.</p> <p>21 MS. SMITH: I don't believe that --</p> <p>22 MR. GEIGER: I also think our</p> <p>23 discussions yesterday were transcribed, at least</p> <p>24 that's my belief, so I think we are arguing about</p>
<p>Page 99</p> <p>1 and I just want that --</p> <p>2 MS. SMITH: So, again, that's not a</p> <p>3 misrepresentation by me of what occurred, it's an</p> <p>4 additional representation by you that there was --</p> <p>5 the other depositions. But the fact that I</p> <p>6 notified you yesterday at the conclusion of the</p> <p>7 deposition, that I expected to only have two hours</p> <p>8 today, is accurate, correct?</p> <p>9 MS. PIPAK: It's an unfair</p> <p>10 representation. But, anyway, I just want to make</p> <p>11 the rep -- I just want to make the record clear</p> <p>12 about what our position was for the record, and</p> <p>13 that was --</p> <p>14 MS. SMITH: Well, I would like to</p> <p>15 address your indication and statement that my</p> <p>16 representation is unfair. Did I not inform you</p> <p>17 that I expected to only have --</p> <p>18 MS. PIPAK: Catherine, that's all</p> <p>19 I'm saying on the record.</p> <p>20 MS. SMITH: -- two hours?</p> <p>21 MS. PIPAK: I don't know why you</p> <p>22 are keep going.</p> <p>23 MS. SMITH: Because I don't want</p> <p>24 you to -- you're indicating on a record that I was</p>	<p>Page 101</p> <p>1 nothing.</p> <p>2 MR. LEES: And -- and I don't know,</p> <p>3 we don't necessarily need to do the scheduling</p> <p>4 discussion on the record, we can take that off the</p> <p>5 record. But I will put on the record that I will</p> <p>6 agree to produce Ms. Kutzler so the defendants can</p> <p>7 conduct their cross-examination of her on another</p> <p>8 day.</p> <p>9 - - -</p> <p>10 (Whereupon, deposition concluded at</p> <p>11 10:42 a.m.)</p> <p>12 - - -</p>



## C E R T I F I C A T I O N

I, COLEEN TRIFUN, RPR and Notary Public,  
do hereby certify that the foregoing is a true and  
accurate transcript of the stenographic notes  
taken by me in the aforementioned matter.

- - -

DATE :

COLEEN TRIFUN, RPR

## ERRATA SHEET

Page	Line	Correction	Reason for Correction
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# EXHIBIT

## P58

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JANE DOE, et al.,	:	UNITED STATES DISTRICT COURT
Plaintiff	:	MIDDLE DISTRICT OF PENNSYLVANIA
v.	:	
SCHUYLKILL COUNTY	:	CIVIL DOCKET NO:
COURTHOUSE, et al.,	:	3:21-CV-00477
Defendants	:	

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VOLUME I

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TRANSCRIPT MARKED CONFIDENTIAL

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VIDEOTAPE DEPOSITION OF GARY BENDER

taken at the U.S. Attorney's Office, Middle  
District of Pennsylvania, 228 Walnut Street,  
Harrisburg, Pennsylvania 17108 on Wednesday,  
November 16, 2022 at 9:11 a.m. before Coleen  
Trifun, RPR and Notary Public.

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ALYSSA DEBISE, PARALEGAL (Via Zoom)  
PATRICIA BASIL, PARALEGAL (Via Zoom)  
JANE DOE 3 (Via Zoom)  
JANE DOE 4 (Via Zoom)  
GLENN ROTH (Via Zoom)  
GEORGE HALCOVAGE (Via Zoom)

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17 Exhibit-209 Bates Stamped 9 37

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## DIRECTION TO WITNESS NOT TO ANSWER

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## REQUEST FOR PRODUCTION OF DOCUMENTS

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<p>Page 7</p> <p>1 THE COURT REPORTER: Would you like</p> <p>2 a standing order?</p> <p>3 MS. JONES: Yes.</p> <p>4 - - -</p> <p>5 VIDEOGRAPHER: We are now on the</p> <p>6 record. My name is Aleisha Catts of Everest Court</p> <p>7 Reporting. The date today is November 16, 2022,</p> <p>8 and the time is approximately 9:11 a.m. This</p> <p>9 deposition is located at 228 Walnut Street in</p> <p>10 Harrisburg, Pennsylvania. The caption in the case</p> <p>11 is Jane Doe et al versus Schuylkill County</p> <p>12 Courthouse et al. The name of the witness is Gary</p> <p>13 Bender, Volume 1.</p> <p>14 At this time the attorneys will</p> <p>15 identify themselves, the parties they represent,</p> <p>16 and after which our court reporter, Coleen Trifun,</p> <p>17 will swear in the witness and we can proceed.</p> <p>18 MS. SMITH: This is Catherine Smith</p> <p>19 on behalf of the plaintiffs, Jane Doe through Jane</p> <p>20 Doe 4, appearing by Zoom. Along with me are</p> <p>21 plaintiff Jane Doe 3 and Jane Doe 4. Also</p> <p>22 appearing on behalf of my office are paralegals</p> <p>23 Patricia Basil and Alyssa DeBise.</p> <p>24 MS. FOX: Amber Fox the United</p>	<p>Page 9</p> <p>1 GARY BENDER, having been first duly</p> <p>2 sworn, was examined and testified as follows:</p> <p>3 - - -</p> <p>4 Examination</p> <p>5 - - -</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Mr. Bender, my name is Catherine Smith.</p> <p>8 As you know, I represent the plaintiffs in the</p> <p>9 matter of -- in the case Jane Doe V Schuylkill</p> <p>10 County et al. Mr. Bender, I have a few</p> <p>11 preliminary questions and instructions and we'll</p> <p>12 get into your deposition.</p> <p>13 Mr. Bender, have you spoken with your</p> <p>14 attorney regarding the procedures for the taking</p> <p>15 of your deposition?</p> <p>16 A. Yes.</p> <p>17 Q. You understand that you've now been</p> <p>18 placed under oath and that you have the obligation</p> <p>19 to testify truthfully?</p> <p>20 A. Yes.</p> <p>21 Q. You understand that even though you are</p> <p>22 in an informal conference room, I'm appearing</p> <p>23 remotely, that your testimony still has the same</p> <p>24 force and affect as if you were testifying in a</p>
<p>Page 8</p> <p>1 States.</p> <p>2 MR. TOWNSEND: Allen Townsend for</p> <p>3 the United States.</p> <p>4 MS. JONES: Marie Millie Jones,</p> <p>5 counsel for Gary Bender, Schuylkill County, and</p> <p>6 Heidi Zula.</p> <p>7 MR. GEIGER: Gerry Geiger here for</p> <p>8 Defendant Halcovage, who is also logged in</p> <p>9 remotely.</p> <p>10 MR. LEES: Paul Lees for Defendant</p> <p>11 Doreen Kutzler.</p> <p>12 MS. IPPOLITO: Nicole Ippolito for</p> <p>13 Glenn Roth and Glenn Roth is also on the Zoom.</p> <p>14 MS. SMITH: I believe that -- is</p> <p>15 everyone -- same stipulations as in the previous</p> <p>16 deposition, that this transcript will be marked</p> <p>17 confidential in its entirety until the parties</p> <p>18 designate which portions shall remain confidential</p> <p>19 in accordance with the court's order.</p> <p>20 (All parties agreed.)</p> <p>21 MS. SMITH: And stipulations as to</p> <p>22 objections to form and privilege only.</p> <p>23 (All parties agreed.)</p> <p>24 - - -</p>	<p>Page 10</p> <p>1 court of law before a judge or a jury?</p> <p>2 A. Yes.</p> <p>3 Q. Do you understand that the woman to your</p> <p>4 left, the court reporter, is going to take down</p> <p>5 everything that is said during the deposition and</p> <p>6 your entire testimony will be transcribed into a</p> <p>7 script-type format?</p> <p>8 A. Yes.</p> <p>9 Q. Do you understand that the court</p> <p>10 reporter cannot transcribe inaudible responses</p> <p>11 such as the nod of the head and, therefore, you</p> <p>12 must make an audible response?</p> <p>13 A. Yes.</p> <p>14 Q. You understand that you should wait for</p> <p>15 the complete question to be asked before</p> <p>16 responding and I, likewise, will wait for you to</p> <p>17 finish answering before I ask my next question?</p> <p>18 A. Yes.</p> <p>19 Q. If you do not understand a question or</p> <p>20 you think that it was ambiguous, please let me</p> <p>21 know and I will rephrase the question.</p> <p>22 Do you understand?</p> <p>23 A. Yes.</p> <p>24 Q. Do you agree that if you do not</p>



<p>Page 11</p> <p>1 otherwise indicate, I will assume that you've</p> <p>2 understood my question?</p> <p>3 A. Yes.</p> <p>4 Q. If you realize that any answer given</p> <p>5 earlier in your deposition is inaccurate or</p> <p>6 incomplete, please let me know that you wish to</p> <p>7 correct or supplement your answer and you will be</p> <p>8 allowed to do so.</p> <p>9 Do you understand?</p> <p>10 A. Yes.</p> <p>11 Q. If you do not know or remember the</p> <p>12 information necessary, please let me know. I'm</p> <p>13 not going to ask you to speculate. I may ask you</p> <p>14 to estimate, though.</p> <p>15 Do you understand?</p> <p>16 A. Repeat that first part.</p> <p>17 Q. If you don't remember the information</p> <p>18 necessary to answer a question, let me know. I'm</p> <p>19 not going to ask you to completely speculate. I</p> <p>20 may ask you to estimate, though.</p> <p>21 A. Okay. Yes. Yes, I understand that.</p> <p>22 Q. Have you recently consumed any</p> <p>23 medication, alcohol, or any other substance which</p> <p>24 impairs your ability to testify truthfully here</p>	<p>Page 13</p> <p>1 or Jane Doe 4, which would be Ms. Jane Doe 4.</p> <p>2 Do you understand that?</p> <p>3 A. Yes.</p> <p>4 Q. I also may refer to the county, which</p> <p>5 would be Schuylkill County in this matter.</p> <p>6 Do you understand that?</p> <p>7 A. Yes.</p> <p>8 Q. Mr. Bender, your employment with</p> <p>9 Schuylkill County began in 2006, correct?</p> <p>10 A. That is correct.</p> <p>11 Q. And your employment was first as the</p> <p>12 position of grant writer; is that correct?</p> <p>13 A. That is correct.</p> <p>14 Q. How did you learn of that position?</p> <p>15 A. I received a phone call early in January</p> <p>16 that there was -- the person that was the grant</p> <p>17 writer position had left, they were looking for</p> <p>18 someone. I had recently written some grants for</p> <p>19 the -- some fire companies and -- and the -- the</p> <p>20 township and asked if I was interested. I said</p> <p>21 that I perhaps would be, but I wanted to know why</p> <p>22 the person left so I did call that person and they</p> <p>23 had some -- some issues with their grant</p> <p>24 reporting, not so much with grant writing, but</p>
<p>Page 12</p> <p>1 today?</p> <p>2 A. No.</p> <p>3 Q. Is there any reason you can think of</p> <p>4 that renders you incapable of testifying</p> <p>5 truthfully here today?</p> <p>6 A. No.</p> <p>7 Q. If at any time you need a break, please</p> <p>8 just let me know. The only request I have is if</p> <p>9 there's a question posed to you, that you answer</p> <p>10 that before we take a break.</p> <p>11 Do you understand?</p> <p>12 A. Understood, yes.</p> <p>13 Q. And do you understand the instructions</p> <p>14 I've given you about your deposition?</p> <p>15 A. Yes.</p> <p>16 Q. Do you have any questions regarding your</p> <p>17 deposition?</p> <p>18 A. No.</p> <p>19 Q. Mr. Bender, periodically throughout the</p> <p>20 deposition, I will refer to specific individuals,</p> <p>21 for instance, I may refer to Jane Doe 1, which</p> <p>22 would be Jane Doe 1, Jane Doe 2 or Jane Doe 2,</p> <p>23 which would be Ms. Jane Doe 2, Jane Doe 3 or Jane</p> <p>24 Doe 3, which would be Ms. Jane Doe 3, Jane Doe 4</p>	<p>Page 14</p> <p>1 reporting. And they had some compliance issues on</p> <p>2 grants. And I thought I would be a challenge</p> <p>3 after. And so I agreed that I would be interested</p> <p>4 in pursuing that.</p> <p>5 Q. Okay.</p> <p>6 Do you remember who called you to tell</p> <p>7 you that the position was open?</p> <p>8 A. It was Dan Daub, D-A-U-B.</p> <p>9 Q. Did you fill out an employment</p> <p>10 application?</p> <p>11 A. If I did, it was during my interview.</p> <p>12 Q. Do you maintain a resume or CV?</p> <p>13 A. I do.</p> <p>14 MS. SMITH: I am going to make a</p> <p>15 formal request for a copy of Mr. Bender's resume</p> <p>16 or CV.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. You have indicated that you might have</p> <p>19 filled out an employment application during an</p> <p>20 interview.</p> <p>21 Do you recall who you interviewed with?</p> <p>22 A. Yes, William Reppy, he was the county</p> <p>23 administrator.</p> <p>24 Q. Did you interview with anyone other than</p>

<p>Page 15</p> <p>1 Mr. Reppy?</p> <p>2 A. I did not.</p> <p>3 Q. After you interviewed with Mr. Reppy,</p> <p>4 were you offered a position?</p> <p>5 A. Yes. I think it was about a week later.</p> <p>6 Q. And you accepted that position?</p> <p>7 A. I did.</p> <p>8 Q. How long after you accepted the position</p> <p>9 did you begin working with the county?</p> <p>10 A. Probably three weeks. I started</p> <p>11 March 1st. I think my interview was in -- in</p> <p>12 January, so probably three or four weeks.</p> <p>13 MS. SMITH: I am going to mark as</p> <p>14 Exhibit 203 for today's purposes. It is one of</p> <p>15 the exhibits in that stack. It's Bates stamped</p> <p>16 No. 20.</p> <p>17 MR. TOWNSEND: So off the record</p> <p>18 here.</p> <p>19 ---</p> <p>20 (Action request marked as Exhibit-203</p> <p>21 for identification.)</p> <p>22 ---</p> <p>23 THE WITNESS: Okay. I have it.</p> <p>24 BY MS. SMITH:</p>	<p>Page 17</p> <p>1 Q. Okay.</p> <p>2 Did you interview as early as August of</p> <p>3 2005?</p> <p>4 A. No. I interviewed in January of 2006.</p> <p>5 Q. Okay.</p> <p>6 So you had interviewed January of 2006,</p> <p>7 the commissioners approved it February of 2006,</p> <p>8 and then you started shortly thereafter?</p> <p>9 A. March 1, 2006.</p> <p>10 Q. Okay.</p> <p>11 Mr. Bender, are you currently a</p> <p>12 registered Republican?</p> <p>13 A. I am.</p> <p>14 Q. Were you registered a Republican when</p> <p>15 you started with the county?</p> <p>16 A. Yes.</p> <p>17 Q. At any point did you switch your</p> <p>18 political affiliation?</p> <p>19 A. I did not.</p> <p>20 Q. Did Defendant Halcovage ever ask you</p> <p>21 what your party registration party was?</p> <p>22 A. He did not.</p> <p>23 May I say something?</p> <p>24 Q. Sure.</p>
<p>Page 16</p> <p>1 Q. Okay.</p> <p>2 Do you recognize this document, Mr.</p> <p>3 Bender?</p> <p>4 A. No. It has changed since then, so I</p> <p>5 didn't -- I didn't see it at the time, but I know</p> <p>6 what it is.</p> <p>7 Q. Okay.</p> <p>8 So this is a personal administrative</p> <p>9 action request and I think what you were just</p> <p>10 indicating was that the form now that the county</p> <p>11 uses looks a little different than this, but it's</p> <p>12 still what is referred to as a PAR, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Okay.</p> <p>15 And this is the PAR for your appointment</p> <p>16 to the position of grant writer. And it appears</p> <p>17 that the commissioners approved it February 22nd</p> <p>18 of 2006. Is that an accurate representation of</p> <p>19 this document?</p> <p>20 A. Yes. It's stamped that way.</p> <p>21 Q. Okay.</p> <p>22 Do you know why it's dated August 26th</p> <p>23 of 2005, up there at the top left?</p> <p>24 A. I do not.</p>	<p>Page 18</p> <p>1 A. He was not a commissioner at that time.</p> <p>2 Q. I'm asking you at any point --</p> <p>3 A. Oh, okay.</p> <p>4 Q. -- has Defendant Halcovage ever asked</p> <p>5 you what your political affiliation is?</p> <p>6 A. Yeah, he did not.</p> <p>7 Q. He's never asked you that?</p> <p>8 A. He did not.</p> <p>9 Q. Did you ever hear Defendant Halcovage</p> <p>10 ask any county employee what they were -- what</p> <p>11 their political registration was?</p> <p>12 A. I -- I have not.</p> <p>13 Q. Did you ever hear Defendant Halcovage</p> <p>14 tell Jane Doe 3 and/or Jane Doe 4 that they needed</p> <p>15 to change their political party to be promoted or</p> <p>16 words to that effect?</p> <p>17 A. No.</p> <p>18 Q. When you started with the county, were</p> <p>19 you provided with county policies?</p> <p>20 A. I'm sure I was, yes.</p> <p>21 Q. Do you remember by whom?</p> <p>22 A. I don't recall.</p> <p>23 Q. Do you know when?</p> <p>24 A. Probably March 1, 2006.</p>

<p>Page 19</p> <p>1 Q. Do you remember where you were when you</p> <p>2 received them?</p> <p>3 A. Yes. In the county courthouse, I would</p> <p>4 say over in the -- in the Hoffmann Room, one of</p> <p>5 the conference rooms at the courthouse is where</p> <p>6 they did the orientation.</p> <p>7 MS. SMITH: In that stack of</p> <p>8 papers, there's a stapled packet of a few</p> <p>9 documents. It's going to be Exhibit 204. It's</p> <p>10 Bates 31 through 36.</p> <p>11 ---</p> <p>12 (Bates stamped 31-36 marked as</p> <p>13 Exhibit-204 for identification.)</p> <p>14 ---</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Do you recognize these documents?</p> <p>17 A. I do.</p> <p>18 MS. JONES: Go ahead and take a</p> <p>19 look at all of them.</p> <p>20 THE WITNESS: Oh, well, wait a</p> <p>21 minute. I am looking at the front -- the top</p> <p>22 page. Sorry.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. That's okay. Go ahead and flip through</p>	<p>Page 21</p> <p>1 you receive any other copies of county policies?</p> <p>2 MS. JONES: Ever?</p> <p>3 MS. SMITH: Yes.</p> <p>4 MS. JONES: Object to the form.</p> <p>5 Okay.</p> <p>6 So you can answer.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. At any point after 2006, did you receive</p> <p>9 any other copies of county policies at any time?</p> <p>10 A. I -- I would suppose when they were</p> <p>11 updated that we would have received an updated</p> <p>12 policy because there were a number of them</p> <p>13 updated, but -- but I don't recall specifically.</p> <p>14 Q. Okay.</p> <p>15 But is that generally the policy of the</p> <p>16 county, is that when a policy is updated, it is</p> <p>17 distributed to employees?</p> <p>18 A. That is correct.</p> <p>19 MS. SMITH: Okay. So I'm going to</p> <p>20 mark also in that stack is No. 27, going to be 205</p> <p>21 for today's purposes.</p> <p>22 ---</p> <p>23 (Bates Stamped 27 marked as Exhibit-205</p> <p>24 for identification.)</p>
<p>Page 20</p> <p>1 them.</p> <p>2 A. Okay.</p> <p>3 Q. All right.</p> <p>4 On each of these documents, the</p> <p>5 handwritten portion, is that your handwriting and</p> <p>6 signature?</p> <p>7 A. It is.</p> <p>8 Q. These each indicate March 6th of 2006.</p> <p>9 Does that refresh your recollection as to when you</p> <p>10 received policies?</p> <p>11 A. I suppose. I may be off on my start</p> <p>12 date. I thought I started March the 1st and I</p> <p>13 still think I did. But, anyway, it is dated March</p> <p>14 the 6th, that is correct.</p> <p>15 Q. Okay.</p> <p>16 When you received the policies, did you</p> <p>17 have any questions or concerns about any of them</p> <p>18 that you recall?</p> <p>19 A. I don't recall.</p> <p>20 Q. You agreed to abide by them during your</p> <p>21 employment, correct?</p> <p>22 A. Correct.</p> <p>23 Q. You can put that one aside.</p> <p>24 At some point after March of 2006, did</p>	<p>Page 22</p> <p>1 ---</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Do you recognize this document, Mr.</p> <p>4 Bender?</p> <p>5 A. Yes.</p> <p>6 Q. That's your printed name and signature,</p> <p>7 correct?</p> <p>8 A. It is.</p> <p>9 Q. Okay.</p> <p>10 This one is dated October 27, 2006, and</p> <p>11 it's an acknowledgment of your receipt of the</p> <p>12 county sexual harassment policy as revised</p> <p>13 July 2005. Would you agree?</p> <p>14 A. Yes.</p> <p>15 Q. If you just go back to 204, it's the</p> <p>16 packet of papers, and you look at 33, it's the</p> <p>17 third page in that packet. This is also an</p> <p>18 acknowledgment by of your receipt of that same</p> <p>19 policy.</p> <p>20 Would you agree?</p> <p>21 A. Yes.</p> <p>22 Q. So there's no revision, according to</p> <p>23 what I'm reading in these documents, March of 2006</p> <p>24 and October of 2006. So do you know why in</p>

<p>Page 23</p> <p>1 October of 2006 you again signed the same policy?</p> <p>2 A. I do not.</p> <p>3 Q. Okay.</p> <p>4 About two years after you were hired, in</p> <p>5 June of 2008, you were promoted from grant writer</p> <p>6 to grant writer and demolition coordinator; is</p> <p>7 that correct?</p> <p>8 A. That is correct.</p> <p>9 Q. Was that a dual role, would you call it,</p> <p>10 with the county?</p> <p>11 A. Yes. I assumed all the former duties of</p> <p>12 the grants office, as well as demolition.</p> <p>13 Q. Who made that decision? Was it your</p> <p>14 idea or how did that come about?</p> <p>15 A. Commissioner Chair Mentor Gallagher</p> <p>16 asked if I would take that on.</p> <p>17 Q. And did the assumption of additional</p> <p>18 duties come with a pay raise?</p> <p>19 A. I'm sure it did.</p> <p>20 Q. About two years, little less than two</p> <p>21 years after that, you again changed jobs and you</p> <p>22 went from grant writer and demolition coordinator</p> <p>23 to CDBG coordinator and grant administrator; is</p> <p>24 that correct?</p>	<p>Page 25</p> <p>1 additional duties?</p> <p>2 A. That was an assumption of additional</p> <p>3 responsibilities.</p> <p>4 Q. Did you lose any of the duties that you</p> <p>5 had prior to that?</p> <p>6 A. I did not.</p> <p>7 Q. That was because the county created a</p> <p>8 new community develop office within the economic</p> <p>9 development department; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. Who decided to create this new office?</p> <p>12 A. Well, that would have been the</p> <p>13 commissioners at the time, which would have</p> <p>14 been -- what year was that, 2013, did you say?</p> <p>15 Q. Yes, September 2013.</p> <p>16 A. Then Halcovage, Hess, and Commissioner</p> <p>17 Stottlemeyer, and Mark Scarbinsky, who was the</p> <p>18 county administrator at the time.</p> <p>19 Q. And so Commissioners Halcovage,</p> <p>20 Stottlemeyer, Hess, and you said Mark Scarbinsky?</p> <p>21 A. Yes.</p> <p>22 Q. All right.</p> <p>23 Do you know -- were you involved in</p> <p>24 those discussions to create that new office?</p>
<p>Page 24</p> <p>1 A. Yes. And also with demolition, I lost</p> <p>2 none of the other responsibilities.</p> <p>3 Q. So you just assumed additional duties</p> <p>4 again in 2010?</p> <p>5 A. That is correct.</p> <p>6 Q. All right.</p> <p>7 So you kept all the ones that you had</p> <p>8 already had, you just got more?</p> <p>9 A. Yes.</p> <p>10 Q. And how did that come about?</p> <p>11 A. There was a retirement by Mr. Tom</p> <p>12 Gallagher and Commissioner Chair Mentor Gallagher</p> <p>13 asked me if I would be willing to take on those</p> <p>14 responsibilities.</p> <p>15 Q. And you again received a pay increase</p> <p>16 for the assumption of those additional duties?</p> <p>17 A. I did.</p> <p>18 Q. A few years later in September of 2013,</p> <p>19 you were promoted to the director of county's</p> <p>20 community -- of the county's community development</p> <p>21 office, correct?</p> <p>22 A. Economic development office.</p> <p>23 Q. Did that -- was that a complete change</p> <p>24 in duties or was that again an assumption of</p>	<p>Page 26</p> <p>1 A. Mark Scarbinsky had talked to me about</p> <p>2 that on several occasions, whether I would do</p> <p>3 that.</p> <p>4 Q. And did you agree to do that?</p> <p>5 A. I did.</p> <p>6 Q. And, again, that came -- the assumption</p> <p>7 of additional duties came with a pay raise,</p> <p>8 correct?</p> <p>9 A. That is correct.</p> <p>10 Q. Do you know for each of the pay</p> <p>11 increases you received that we just discussed, who</p> <p>12 made the decision on how much the increase would</p> <p>13 be?</p> <p>14 A. Would have been the commissioners and</p> <p>15 the controller who was also on the salary board.</p> <p>16 It would have been a salary board decision.</p> <p>17 Q. So the salary board, which is made up of</p> <p>18 the commissioners and the controller?</p> <p>19 A. Correct.</p> <p>20 MS. SMITH: I am going to mark as</p> <p>21 206 for today's purpose, it's also in that stack,</p> <p>22 it's No. 28.</p> <p>23 - - -</p> <p>24 (Bates Stamped 28 marked as Exhibit-206)</p>

<p>Page 27</p> <p>1 for identification.)</p> <p>2 - - -</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Do you recognize this document, Mr.</p> <p>5 Bender?</p> <p>6 A. I do.</p> <p>7 Q. Is that your printed name and signature</p> <p>8 down the bottom?</p> <p>9 A. It is.</p> <p>10 Q. You signed acknowledging that you had</p> <p>11 attended the county's sexual harassment training</p> <p>12 on October 9, 2013, located at the boardroom</p> <p>13 courthouse?</p> <p>14 A. That is -- that is correct.</p> <p>15 Q. Did you, in fact, attend sexual</p> <p>16 harassment training in the boardroom of the</p> <p>17 courthouse in October of 2013?</p> <p>18 A. I did.</p> <p>19 Can we go back a little bit?</p> <p>20 Q. Sure.</p> <p>21 A. The -- I think the one in October 2006,</p> <p>22 I know there was -- this one was in the boardroom</p> <p>23 in October or sometime in -- between 2006, there</p> <p>24 was a sexual harassment training at the campus of</p>	<p>Page 29</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And is that the Penn State one you were</p> <p>4 just mentioning?</p> <p>5 A. Correct. It was a -- it was at the Penn</p> <p>6 State Schuylkill campus for county employees.</p> <p>7 Q. Okay.</p> <p>8 Was that mandatory or was it voluntary?</p> <p>9 A. No. No, we're required to do that.</p> <p>10 Q. Any other training that you received on</p> <p>11 sexual harassment that was offered by the county</p> <p>12 between your date of hire and October of 2013?</p> <p>13 A. I don't recall. I'm sure there was no</p> <p>14 more -- in-person training, I would have</p> <p>15 remembered that.</p> <p>16 Q. Do you remember any virtual training</p> <p>17 during that time period?</p> <p>18 A. I -- I can't. No, I don't. And I</p> <p>19 think, Ms. Smith, had there been, there would have</p> <p>20 been a form signed for that as well. I know now</p> <p>21 we require that form, even on the -- the virtual</p> <p>22 training.</p> <p>23 Sorry to interrupt, but I...</p> <p>24 Q. It's okay. No, I appreciate that.</p>
<p>Page 28</p> <p>1 Penn State, that other form could have been an</p> <p>2 acknowledgment of that. I don't know that, but I</p> <p>3 say -- I remember this one in the boardroom, but</p> <p>4 there was one at Penn State prior to that.</p> <p>5 Q. Okay.</p> <p>6 And I'm going to get there, so I</p> <p>7 appreciate that. Thank you.</p> <p>8 A. Oh, okay.</p> <p>9 Q. In this document, though, it also says</p> <p>10 you signed acknowledging that you had received and</p> <p>11 read the sexual harassment policy as revised in</p> <p>12 September of 2013, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. And you had received and read that</p> <p>15 policy, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you have any questions or concerns</p> <p>18 about it?</p> <p>19 A. No.</p> <p>20 Q. So you were just getting to this in your</p> <p>21 testimony, between your date of hire and this</p> <p>22 training in October of 2013, did you attend any</p> <p>23 other in person, virtual, or any other form of</p> <p>24 sexual harassment training offered by the county?</p>	<p>Page 30</p> <p>1 Thank you.</p> <p>2 MS. SMITH: This is going to be</p> <p>3 marked as 207, it's going to be 25 in that stack.</p> <p>4 - - -</p> <p>5 (Bates Stamped 26 marked as Exhibit-207</p> <p>6 for identification.)</p> <p>7 - - -</p> <p>8 MS. JONES: Catherine, can you give</p> <p>9 me 30 seconds? I just lost my connection.</p> <p>10 MS. SMITH: Yeah. We can just go</p> <p>11 off the record.</p> <p>12 VIDEOGRAPHER: The time is now 9:36</p> <p>13 a.m. and we're going off the record.</p> <p>14 - - -</p> <p>15 (Whereupon, brief recess was held off</p> <p>16 the record.)</p> <p>17 - - -</p> <p>18 VIDEOGRAPHER: The time is now</p> <p>19 9:43 a.m. and we're back on the record.</p> <p>20 MS. SMITH: Matt, if you can put</p> <p>21 back on the screen 25. Thank you.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Mr. Bender, I believe you have what's</p> <p>24 now been marked as Exhibit-207 for today's</p>



<p>Page 31</p> <p>1 purposes, it's got a Bates stamp 25 at the bottom;  2 is that correct?  3 A. That is correct.  4 Q. Okay.  5 Do you recognize this document?  6 A. I do.  7 Q. And is that your printed name and  8 signature?  9 A. It is.  10 Q. And you signed acknowledging receipt of  11 the sexual harassment policy of the county as  12 revised July 2013, correct?  13 A. That's what it states, yes.  14 Q. And it states that you had reviewed and  15 received that policy, correct?  16 A. Correct.  17 Q. Did you have any questions or concerns  18 about the policy when you received it?  19 A. I did not.  20 Q. The last one you had received, I believe  21 you said, was October of 2013, so this is just  22 under two years later. Is it your understanding  23 that the county is to distribute or engage  24 employees in sexual harassment training every two</p>	<p>Page 33</p> <p>1 have to sign this and send it back, so there's two  2 things coming at the same time.  3 Q. Okay.  4 So when you say you received the  5 materials, is that materials in connection with  6 the training course?  7 A. The log-in information if we do it  8 online, yes.  9 Q. Okay.  10 But you would agree that this form does  11 not indicate you attended training, correct?  12 A. The document does not state that, that's  13 correct.  14 Q. And you're not positive, but you think  15 you attended training?  16 A. Yes. And that information probably  17 would be in the human resources office.  18 Q. In -- what information, in what form?  19 A. That I completed the course.  20 Q. Okay.  21 So you believe that the human resources  22 office maintains some sort of record of who  23 attends training courses and when?  24 A. Yes.</p>
<p>Page 32</p> <p>1 years?  2 A. Yes.  3 Q. Is it that they're to get the policy  4 every two years or are they supposed to engage in  5 training every two years?  6 A. Well, I -- I don't want to guess, but I  7 would be willing to bet that this 2015 document is  8 what I signed after the -- the online course.  9 Q. Okay.  10 So you believe that in --  11 A. I do. It doesn't state that I -- the  12 course, but I think when you take the course,  13 there's a form that you sign. I just signed one  14 recently and I didn't really read the top. But  15 with that, you're to -- to review that policy as  16 well.  17 Q. Okay.  18 But so you believe that in May of 2015,  19 you took some type of sexual harassment training  20 course?  21 A. That would be a guess, but I -- I would  22 think so, because when you receive the online  23 materials, you also receive a copy of the sexual  24 harassment policy. And that's probably why we</p>	<p>Page 34</p> <p>1 Q. So just going back to my question  2 earlier, so is it your understanding that county  3 employees are to participate in sexual harassment  4 training every two years?  5 A. Correct.  6 Q. In June of 2016, you were promoted from  7 director of the county's community development  8 office to interim county administrator/director of  9 economic development; is that correct?  10 A. In June of 2016, yes.  11 Q. Yes. Okay.  12 Defendant Halcovage was a county  13 commissioner in June of 2016, correct?  14 A. Correct.  15 Q. Was he involved in that promotion of  16 yours?  17 A. Yes.  18 Q. Do you know what involvement he had?  19 A. He would have had to vote on that.  20 Q. Were there -- were there any discussions  21 prior to the vote?  22 A. With Commissioners Stottlemeyer, Hess,  23 and Hal -- and Halcovage, yes.  24 Q. What were those discussions?</p>

<p>Page 35</p> <p>1 A. The discussions would be, since Mark 2 Scarbinsky left the office, would I be willing to 3 take on those responsibilities as interim county 4 administrator. 5 Q. Was the intent to have you then become 6 the actual county administrator thereafter? 7 A. That was not the intent at the time 8 because I wasn't concerned about that at the time. 9 I didn't think I would do that. I -- I was -- at 10 '16 I was 65. I really didn't want to committee 11 for more years to do that, but I was willing to 12 take on the interim role. 13 Q. And your promotion from director of 14 county's community development office to interim 15 county administrator came with a pay increase, 16 correct? 17 A. It did. 18 Q. Do you recall how much? 19 A. I do not. 20 MS. SMITH: In that stack there's a 21 No. 6, going to mark as 208 for today's purposes. 22 --- 23 (Bates Stamped 6 marked as Exhibit-208 24 for identification.)</p>	<p>Page 37</p> <p>1 Q. Okay. 2 If we now look at -- I want you to keep 3 this one in front of you. 4 MS. SMITH: But I am going to mark 5 as 209, it's No. 9 in that stack. 6 --- 7 (Bates Stamped 9 marked as Exhibit-209 8 for identification.) 9 --- 10 BY MS. SMITH: 11 Q. So No. 9 is the PAR for your promotion 12 prior to the promotion for PAR -- for the PAR of 13 Exhibit-208, correct? 14 A. Correct. 15 Q. Okay. 16 In 209, the PAR for your 2013 promotion, 17 it indicates that your salary was increased to 18 \$47,057. And in the PAR for the subsequent 19 promotion in 2016, it indicates that your starting 20 salary before the promotion is \$51,420.45. 21 Do you know how your salary went from 47 22 and some dollars to 51 and some dollars in that 23 three-year period? 24 A. You would have to do the math on that,</p>
<p>Page 36</p> <p>1 --- 2 BY MS. SMITH: 3 Q. Do you recognize this document, Mr. 4 Bender? 5 A. I do. 6 Q. And this is the PAR for that promotion 7 you were just talking about, correct? 8 A. That is correct. 9 Q. And it looks like it came with a 10 promotion -- an increase in pay of just over 11 \$15,000, correct? 12 A. That is correct. 13 Q. Do you know who made the decision that 14 you would receive a pay increase for your stint, 15 I'll call it, as interim county administrator? 16 A. That would be the salary board. 17 Q. And do you know, is it also the salary 18 board who decides the amount that will be 19 provided? 20 A. The commissioners most likely would have 21 had a discussion on that and then it was presented 22 on the PAR, but the -- and the controller would 23 have been able to vote on that -- the salary board 24 would have been able to vote on that.</p>	<p>Page 38</p> <p>1 Ms. Smith, because we get 3 percent raises every 2 year, so that -- that would figure up to 3 approximately that amount. 4 Q. Okay. 5 So you believe it's just the 3 percent 6 cost of living raises that are received? 7 A. Yes. 8 Q. You didn't receive any other promotions 9 or title changes -- 10 A. Did not. 11 Q. -- or assumption of duties during that 12 time? 13 A. I did not. 14 Q. Okay. 15 Some time after June of 2016, you did, 16 in fact, become the county administrator, correct? 17 A. That is correct. 18 Q. And you had indicated earlier that 19 you -- you didn't plan to. What changed your 20 mind, why -- why did you then, in fact, to agree 21 to take on that role? 22 A. I got a chance to look at the applicants 23 and I just thought I was a better fit. I talked 24 with my wife that would be a commitment of more</p>

<p style="text-align: right;">Page 39</p> <p>1 years at the county, she was okay with it. I</p> <p>2 think we have a great staff there. I enjoyed my</p> <p>3 time as interim and I think we could -- I just</p> <p>4 thought it was a great fit and I put my name in.</p> <p>5 Q. So you put your name in at your own</p> <p>6 decision, not at a request of any of the</p> <p>7 commissioners?</p> <p>8 A. No. At my own decision and my wife's.</p> <p>9 I'm sorry. And my wife's.</p> <p>10 Q. You became the county commissioner in</p> <p>11 September -- September 14th of 2016; is that</p> <p>12 right?</p> <p>13 A. That is correct.</p> <p>14 Q. And you've held that position since that</p> <p>15 date, September 14, 2016?</p> <p>16 A. Correct.</p> <p>17 MS. SMITH: I am going to mark as</p> <p>18 210, it's going to be 24 in that stack in front of</p> <p>19 you.</p> <p>20 THE WITNESS: Okay.</p> <p>21 - - -</p> <p>22 (Bates Stamped 24 marked as Exhibit-210</p> <p>23 for identification.)</p> <p>24 - - -</p>	<p style="text-align: right;">Page 41</p> <p>1 A. No. I'm fairly certain that I took it</p> <p>2 in 2015 as well. I will check when I get back to</p> <p>3 the courthouse, I will tell you that, but...</p> <p>4 Q. Okay.</p> <p>5 But you definitely took one in August of</p> <p>6 2019?</p> <p>7 A. Correct.</p> <p>8 Q. And this was a -- a virtual training?</p> <p>9 A. Yes.</p> <p>10 Q. Were any materials provided?</p> <p>11 A. The sexual harassment policy was</p> <p>12 provided, as well as the log-in information for</p> <p>13 the training.</p> <p>14 Q. No other materials?</p> <p>15 A. No.</p> <p>16 Q. Did you have any questions or concerns</p> <p>17 about the training?</p> <p>18 A. I did not.</p> <p>19 Q. Did you understand your rights and</p> <p>20 responsibilities as outlined in the policy?</p> <p>21 A. I do.</p> <p>22 MS. SMITH: I am going to mark as</p> <p>23 211, it's going to be -- it's going to be 22 and</p> <p>24 23 in that stack.</p>
<p style="text-align: right;">Page 40</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Do you recognize this document?</p> <p>3 A. I didn't get what you said.</p> <p>4 Q. Do you -- do you recognize this</p> <p>5 document?</p> <p>6 A. Oh, yes. Yes.</p> <p>7 Q. Okay.</p> <p>8 And is that your printed name and</p> <p>9 signature?</p> <p>10 A. It is.</p> <p>11 Q. And you signed, acknowledging that you</p> <p>12 reviewed and understood the sexual harassment</p> <p>13 policy as revised July 2013, and that you agree to</p> <p>14 abide by them -- by the policy, correct?</p> <p>15 A. Correct.</p> <p>16 Q. This one also indicates that you have</p> <p>17 taken the sexual harassment training by the local</p> <p>18 GovU/CCAP website.</p> <p>19 Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Okay.</p> <p>22 Does this refresh your recollection as</p> <p>23 to whether, in fact, you took a training in May of</p> <p>24 2015, or if it was possibly in August of 2019?</p>	<p style="text-align: right;">Page 42</p> <p>1 - - -</p> <p>2 (Bates Stamped 22-23 marked as</p> <p>3 Exhibit-211 for identification.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Do you recognize these documents, Mr.</p> <p>7 Bender?</p> <p>8 A. I do.</p> <p>9 Q. This is your printed name and signature</p> <p>10 on the first page?</p> <p>11 MS. IPPOLITO: We can't see them</p> <p>12 yet, at least I can't.</p> <p>13 THE TECHNICIAN: Sorry, Counsel.</p> <p>14 Hang on a second.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. On the one that's on the screen on the</p> <p>17 left, it's Bates stamped 22. That's your printed</p> <p>18 name and signature, correct, Mr. Bender?</p> <p>19 A. That is correct.</p> <p>20 Q. You acknowledge that you had received,</p> <p>21 read, and reviewed the county's anti-harassment</p> <p>22 and non-discrimination policies revised</p> <p>23 January 2021, correct?</p> <p>24 A. Correct.</p>

<p style="text-align: right;">Page 43</p> <p>1 Q. Did you have any questions or concerns</p> <p>2 about the policy when you received it?</p> <p>3 A. I did not.</p> <p>4 Q. At the time that you received it, there</p> <p>5 was also an in-person training, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And that's the page on the right here on</p> <p>9 the screen and No. 23, Bates stamp 23, is the quiz</p> <p>10 that you took during the administration of that</p> <p>11 in-person training, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Did you receive any other materials</p> <p>14 aside from this quiz and the policy during that</p> <p>15 training?</p> <p>16 A. I don't recall. I think we had a</p> <p>17 handout when -- I am pretty sure we did during</p> <p>18 that course.</p> <p>19 Q. Do you remember where you attended this</p> <p>20 training?</p> <p>21 A. Yes. It was in the boardroom at the</p> <p>22 county courthouse.</p> <p>23 Q. We -- let's go back through some of</p> <p>24 these acknowledgment forms. This one is 2021.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Were you involved in any discussions</p> <p>2 about promotions or transfers of any county</p> <p>3 employee prior to being county administrator?</p> <p>4 A. Yes. I was involved in a discussion</p> <p>5 when I was able to hire Michelle O'Connell as an</p> <p>6 assistant in the CDBG program.</p> <p>7 Q. Any other times?</p> <p>8 A. Not before administrator, no.</p> <p>9 Q. Okay.</p> <p>10 So it's fair to say then before you were</p> <p>11 county administrator, you were not involved in any</p> <p>12 hiring, firing, transfer, promotion of any of the</p> <p>13 plaintiffs?</p> <p>14 MS. JONES: Of the plaintiffs, you</p> <p>15 said?</p> <p>16 MS. SMITH: Yes.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Of any of the plaintiffs?</p> <p>19 A. No.</p> <p>20 Q. And I am just talking about from the</p> <p>21 time before you were county administrator?</p> <p>22 A. No. Not in their hiring or transfers,</p> <p>23 none of what you stated.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 44</p> <p>1 The last one we looked at, which was Exhibit-210,</p> <p>2 is in 2019, so that would be -- would be two</p> <p>3 years.</p> <p>4 A. Okay.</p> <p>5 Q. And then the one before that that we</p> <p>6 looked at, and I'll represent to has been produced</p> <p>7 by the county, is from 2015 --</p> <p>8 A. '15.</p> <p>9 Q. -- it's Exhibit-207, which would be four</p> <p>10 years, from '15 to '19. So do you know, did you</p> <p>11 take a sexual harassment training in 2017?</p> <p>12 A. I can't answer that. I mean, I don't</p> <p>13 recall. I mean, I would have to look at the HR</p> <p>14 files. I can assure you if it was offered, I took</p> <p>15 it.</p> <p>16 Q. Okay.</p> <p>17 In your position other than county</p> <p>18 administrator with the county, were you</p> <p>19 responsible for or involved in personnel matters</p> <p>20 for county employees?</p> <p>21 A. In what way?</p> <p>22 Q. Did you ever create a PAR for any</p> <p>23 employee before you were county administrator?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 46</p> <p>1 Were you involved in any decisions</p> <p>2 regarding their -- the plaintiffs employment --</p> <p>3 A. No.</p> <p>4 Q. -- prior to you becoming county</p> <p>5 administrator?</p> <p>6 A. No.</p> <p>7 Q. All right.</p> <p>8 Now I would like to discuss your -- your</p> <p>9 responsibilities as county administrator.</p> <p>10 MS. SMITH: So we are going to look</p> <p>11 at SC-2 -- 1235 through 1238. It should be the</p> <p>12 last stapled packet in that stack in front of you.</p> <p>13 And I will mark it as 212 for today's purposes.</p> <p>14 - - -</p> <p>15 (SC 1235-1238 marked as Exhibit-212 for</p> <p>16 identification.)</p> <p>17 - - -</p> <p>18 BY MS. SMITH:</p> <p>19 Q. This is a four-page document, Mr.</p> <p>20 Bender. So go ahead and take a brief look at it.</p> <p>21 I'll direct your attention to specific areas.</p> <p>22 But my first question is just going to</p> <p>23 be generally: Do you recognize the document?</p> <p>24 A. Yes.</p>

<p>Page 47</p> <p>1 Q. Okay.</p> <p>2 This is the county's job classification</p> <p>3 description for the position of county</p> <p>4 administrator, correct?</p> <p>5 A. That is correct, that's what it states.</p> <p>6 Q. All right.</p> <p>7 If we turn to the last page of the</p> <p>8 document, it's going to be 1238 at the bottom, it</p> <p>9 states reports to county commissioners.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 The county administrator, in fact,</p> <p>14 reports to county commissioners, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And it states date, June 2016.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. This has been the county's job</p> <p>20 classification description for county</p> <p>21 administrators since June of 2016.</p> <p>22 Would you agree?</p> <p>23 A. I would agree.</p> <p>24 Q. Has there been any revisions to this</p>	<p>Page 49</p> <p>1 A. That is correct.</p> <p>2 Q. And since you've become county</p> <p>3 administrator, Jane Doe 3 has been the county's</p> <p>4 tax claim director, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. So would it be fair to say that since</p> <p>7 you became county administrator, you have been</p> <p>8 Jane Doe 3's supervisor in her role as tax claim</p> <p>9 director?</p> <p>10 MS. JONES: Object to form.</p> <p>11 You may answer.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. All right.</p> <p>15 From the time you became county</p> <p>16 administrator until at least March of 2021, when</p> <p>17 the tax claim bureau and the tax assessment</p> <p>18 offices were restructured, the tax claim bureau</p> <p>19 had an assistant tax claim director, correct?</p> <p>20 A. That is correct.</p> <p>21 Q. And since you became county</p> <p>22 administrator, that role had been filled by Jane</p> <p>23 Doe 4, correct?</p> <p>24 A. Correct.</p>
<p>Page 48</p> <p>1 since 2016, that you're aware of?</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Okay.</p> <p>4 So would you agree then that this job</p> <p>5 classification description has applied to you</p> <p>6 during your entire time as county administrator?</p> <p>7 A. I would think so, yes.</p> <p>8 Q. All right.</p> <p>9 Turning back to Page 1, there's a</p> <p>10 general summary at the top.</p> <p>11 Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. It states in the third line down,</p> <p>14 provide managerial direction to departments under</p> <p>15 county commissioners.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. The county's tax claim bureau is under</p> <p>19 county commissioners, correct?</p> <p>20 A. That is correct.</p> <p>21 Q. And the head of county's tax claim</p> <p>22 bureau is, and since you've become county</p> <p>23 administrator, has been tax claim bureau director,</p> <p>24 correct?</p>	<p>Page 50</p> <p>1 Q. So would it be fair to say that since</p> <p>2 you became county administrator until at least</p> <p>3 March of 2021, you were Jane Doe 4's supervisor in</p> <p>4 her role as assistant tax claim director?</p> <p>5 MS. JONES: Object to form.</p> <p>6 You can answer.</p> <p>7 THE WITNESS: Well, I would think</p> <p>8 that she would report directly to the tax claim</p> <p>9 director, but I would be overseeing both of them,</p> <p>10 yes.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Okay.</p> <p>13 The county's tax assessment office is</p> <p>14 also under county commissioners, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And the head of the county's tax</p> <p>17 assessment office is, and since you became county</p> <p>18 administrator, has been a chief assessor, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Are you aware that statutorily, every</p> <p>21 county must have a chief assessor?</p> <p>22 A. Yes.</p> <p>23 Q. And Jane Doe 3 became interim chief</p> <p>24 assessor for the county in May of 2019; is that</p>



<p>Page 51</p> <p>1 correct?</p> <p>2 A. I don't have a document in front of me,</p> <p>3 but I assume you do and I will -- yes, I would say</p> <p>4 so.</p> <p>5 Q. Okay.</p> <p>6 And then she became the chief assessor,</p> <p>7 she -- interim position, and then she became chief</p> <p>8 assessor around July of 2019, correct?</p> <p>9 A. That is correct.</p> <p>10 Q. So would it be fair to say that when</p> <p>11 Jane Doe 3 held the position of chief assessor,</p> <p>12 you would have been her supervisor in that role?</p> <p>13 MS. JONES: Object to form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: Correct.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. The tax assessment also has, and since</p> <p>18 you've become a county administrator, has had an</p> <p>19 assistant or deputy chief assessor, correct?</p> <p>20 A. Well, I don't recall when Ginny Murray</p> <p>21 was there whether they had an assistant director</p> <p>22 or not. I would think they did not up until Jane</p> <p>23 Doe 3 went over there and Jane Doe 4.</p> <p>24 Q. Okay.</p>	<p>Page 53</p> <p>1 that role?</p> <p>2 MS. JONES: Object to form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: Yes. Again, Jane Doe</p> <p>5 3 would have been her immediate supervisor, but</p> <p>6 she still would have reported to me if -- if -- if</p> <p>7 something got -- if Jane Doe 3 wasn't there, she</p> <p>8 would report to me, yes.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Okay.</p> <p>11 And would you agree that as a supervisor</p> <p>12 of the tax claim bureau and tax assessment</p> <p>13 offices, you were also the supervisor of the</p> <p>14 employees, maybe not direct, but through chain of</p> <p>15 command, the supervisor of the employees within</p> <p>16 those offices?</p> <p>17 MS. JONES: Object to form.</p> <p>18 You can answer.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. All right.</p> <p>22 Looking back at 212, which is in front</p> <p>23 of you. On Page 1, there's a No. 2 down the</p> <p>24 bottom.</p>
<p>Page 52</p> <p>1 But at any point -- in any event, at</p> <p>2 some point during your employment as county</p> <p>3 administrator, the tax assessment office did have</p> <p>4 a assistant in the tax assessment office, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And I've seen it referred to as</p> <p>7 assistant assessor or deputy assessor.</p> <p>8 Are those titles interchangeable?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 And Jane Doe 4 held that position for a</p> <p>12 period of time, correct?</p> <p>13 A. Correct.</p> <p>14 Q. She started in that position roughly</p> <p>15 around the same time that Jane Doe 3 became chief</p> <p>16 assessor; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And she held that title until about</p> <p>19 May of 2021; is that correct?</p> <p>20 A. Okay. Yes.</p> <p>21 Q. All right.</p> <p>22 And so would it be fair to say that</p> <p>23 while Jane Doe 4 held the position of assistant or</p> <p>24 deputy assessor, that you were her supervisor in</p>	<p>Page 54</p> <p>1 Do you see that?</p> <p>2 A. Uh-huh, yes.</p> <p>3 Q. It states: Direct countywide personnel</p> <p>4 and labor relief relations activities, and then</p> <p>5 there's a list of six things, A through F beneath</p> <p>6 that.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. One of the items, it's B. It says say</p> <p>10 direct development of new or modifications to</p> <p>11 existing policy.</p> <p>12 During your employment with the county</p> <p>13 when you were county administrator, did you ever</p> <p>14 direct the development of a new policy for the</p> <p>15 county?</p> <p>16 A. Time as administrator?</p> <p>17 Q. Yes.</p> <p>18 A. I think we revised some policies. I</p> <p>19 don't know of a new policy that was out there. We</p> <p>20 did revise a couple of policies. I can't recall</p> <p>21 off the top of my head what they are. One was an</p> <p>22 inclement weather policy. There may have been</p> <p>23 another one.</p> <p>24 Q. Okay.</p>

<p>Page 55</p> <p>1 Do you know, were you ever involved in</p> <p>2 the modification of the county's sexual harassment</p> <p>3 or antidiscrimination policy?</p> <p>4 A. I don't think so, no.</p> <p>5 Q. Were you involved in the county's -- any</p> <p>6 modification by the county to the jury duty or</p> <p>7 subpoena policy?</p> <p>8 A. No.</p> <p>9 Q. Turning to the next page in the exhibit</p> <p>10 before, should be a No. 3 at the top, it's Page</p> <p>11 1236.</p> <p>12 A. Okay.</p> <p>13 Q. This paragraph discusses the county</p> <p>14 administrator's duties and responsibilities</p> <p>15 related to the management of departments under the</p> <p>16 county commissioners. And there is a list of</p> <p>17 items, which include C, review and submit for</p> <p>18 final approval recommendations for personnel</p> <p>19 actions.</p> <p>20 Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. To whom did the -- did you as county</p> <p>23 administrator submit for final approval,</p> <p>24 recommendations for personnel actions?</p>	<p>Page 57</p> <p>1 agenda. The agenda gets always passed through the</p> <p>2 chairman of the board of commissioners.</p> <p>3 Q. Okay.</p> <p>4 Could the HR director or employee send</p> <p>5 it -- something directly to the chairman for</p> <p>6 addition to the agenda or is it policy that it</p> <p>7 should go through the county administrator?</p> <p>8 A. It would go through me if I'm in the</p> <p>9 building, yes.</p> <p>10 Q. If you turn to the next page in this</p> <p>11 Exhibit, there's going to be a No. 6 at the top.</p> <p>12 It's -- the Bates stamp is 1237.</p> <p>13 A. Okay.</p> <p>14 Q. Under -- under No. 6 there is an A,</p> <p>15 which states: Ensure distribution of county</p> <p>16 policies and procedures; do you see that?</p> <p>17 A. I do.</p> <p>18 Q. During your employment with the county</p> <p>19 as county administrator, what, if anything, did</p> <p>20 you do to ensure county policies and procedures</p> <p>21 were distributed?</p> <p>22 A. Consult with the human resources</p> <p>23 director, they're the ones that send them out.</p> <p>24 Q. Did you ever review any documents to</p>
<p>Page 56</p> <p>1 A. They would come from the HR office over</p> <p>2 to the -- for the next agenda item.</p> <p>3 Q. And then -- so they'd come from the HR</p> <p>4 office to you for agenda items. And who would</p> <p>5 have the final approval of those personnel</p> <p>6 actions?</p> <p>7 A. The board, board of commissioners.</p> <p>8 Q. Okay. Thank you.</p> <p>9 So would it be fair to say that it's</p> <p>10 required that all personnel actions in departments</p> <p>11 under county commissioners be reviewed and</p> <p>12 submitted by the county administrator?</p> <p>13 A. They get reviewed by me. They get</p> <p>14 reviewed by the human services -- human resources</p> <p>15 director. They bring them over to me to look at</p> <p>16 before they get approval by the chairman to be put</p> <p>17 on the agenda.</p> <p>18 Q. Okay.</p> <p>19 So they must be reviewed by you, HR</p> <p>20 can't directly put it on the agenda for the</p> <p>21 commissioners, correct?</p> <p>22 A. If I'm not there, they probably would,</p> <p>23 but that's not the -- the normal way to do things.</p> <p>24 I mean, they wouldn't put them directly on the</p>	<p>Page 58</p> <p>1 ensure that all employees of the county had</p> <p>2 received any revised policies?</p> <p>3 A. I would think just verbal communication</p> <p>4 with the human resource director.</p> <p>5 Q. Did -- is it your understanding that</p> <p>6 this job duty and responsibility required you to</p> <p>7 ensure that all county employees had attended</p> <p>8 sexual harassment training every two years?</p> <p>9 MS. JONES: I'm sorry. Could you</p> <p>10 repeat that, I was -- I missed it.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Is it your understanding that this job</p> <p>13 duty and responsibility also required you to</p> <p>14 ensure that all county employees had taken sexual</p> <p>15 harassment training every two years?</p> <p>16 A. Human resources keeps those files.</p> <p>17 Clearly if someone did not, they would bring that</p> <p>18 to my attention.</p> <p>19 Q. Did you ever obtain signatures from</p> <p>20 employees on acknowledgment forms such as the ones</p> <p>21 we looked at for you?</p> <p>22 A. No. That is done by human resources.</p> <p>23 Q. Also in No. 6 of this document, there</p> <p>24 was a C, which states: Received non-routine</p>

<p>Page 59</p> <p>1 complaints and coordinate response.</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Would this include complaints of sexual</p> <p>5 harassment?</p> <p>6 A. Yes. They would go to the human</p> <p>7 resources office and she would bring them over to</p> <p>8 discuss.</p> <p>9 Q. Okay.</p> <p>10 But does it also mean that you could</p> <p>11 receive non-routine complaints from employees</p> <p>12 directly?</p> <p>13 A. If they came to my office, I would -- I</p> <p>14 would hear them out, yes.</p> <p>15 Q. Do you believe that in your position as</p> <p>16 county administrator that if you observed sexual</p> <p>17 harassment, you had a duty to report it?</p> <p>18 A. I do.</p> <p>19 Q. Who do you believe your duty to report</p> <p>20 it is to?</p> <p>21 A. Director of human resources.</p> <p>22 Q. What if you believed there was a</p> <p>23 conflict of interest by you or the human resources</p> <p>24 director?</p>	<p>Page 61</p> <p>1 you indicated earlier you would report</p> <p>2 observations of sexual harassment to the director</p> <p>3 of HR. If you received a report, would you also</p> <p>4 report that to director of HR?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 And same question regarding conflict of</p> <p>8 interest, would you handle a report versus an</p> <p>9 observation the same way?</p> <p>10 A. Yes.</p> <p>11 Q. Can you tell me what involvement you had</p> <p>12 with the day-to-day operations of the tax claim</p> <p>13 bureau prior to May of 2020?</p> <p>14 A. On the day-to-day operations, very</p> <p>15 little. I think Jane Doe 3 and I worked well</p> <p>16 together. I had a lot of confidence in her. If</p> <p>17 something would come up, I certainly would get</p> <p>18 involved. But anything normally on a day-to-day,</p> <p>19 I don't go never in the beginning of the day and</p> <p>20 ask how everyone is doing, but I count on my</p> <p>21 directors to do their job and I have confidence in</p> <p>22 all my directors.</p> <p>23 Q. Okay.</p> <p>24 So then the same question for your</p>
<p>Page 60</p> <p>1 MS. JONES: Object to the form.</p> <p>2 I'm not sure I understand that question.</p> <p>3 Could you rephrase.</p> <p>4 MS. SMITH: So Mr. Bender indicated</p> <p>5 that he would report -- his duty is to report it</p> <p>6 to the HR director.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. My question is to whom would you be</p> <p>9 required to report sexual harassment to if you</p> <p>10 and/or the HR director had a conflict of interest?</p> <p>11 MS. JONES: Okay. You can answer</p> <p>12 that.</p> <p>13 THE WITNESS: The county</p> <p>14 commissioners with consultation from the county</p> <p>15 solicitor.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Do you believe that in your position as</p> <p>18 county administrator, that if you received a</p> <p>19 report of sexual harassment, that you have and had</p> <p>20 a duty to report it?</p> <p>21 A. I would agree to that, yes.</p> <p>22 Q. And is that also to the HR director?</p> <p>23 A. Repeat that, please.</p> <p>24 Q. That also -- would you also report --</p>	<p>Page 62</p> <p>1 day-to-day involvement with the tax assessment</p> <p>2 office, what was that prior to May 2020?</p> <p>3 A. The same. In other words, I don't go</p> <p>4 over to the office on a day-to-day basis, but I do</p> <p>5 have responsibilities on a day-to-day basis.</p> <p>6 Q. Okay.</p> <p>7 Did you also similarly have confidence</p> <p>8 in Jane Doe 3 when she was the department head or</p> <p>9 chief assessor, similar to her -- your confidence</p> <p>10 in her in the tax claim bureau?</p> <p>11 A. Prior to May, yes.</p> <p>12 Q. Okay.</p> <p>13 So Jane Doe 1, Jane Doe 2, Jane Doe 3,</p> <p>14 and Jane Doe 4 were all hired by the county after</p> <p>15 you became a county employee, correct?</p> <p>16 A. Yes.</p> <p>17 Q. I am going to start with Jane Doe 1.</p> <p>18 When did you meet Jane Doe 1?</p> <p>19 A. I think when she was hired in the</p> <p>20 mailroom.</p> <p>21 Q. And where did you meet her?</p> <p>22 A. Probably in the mailroom.</p> <p>23 Q. Do you know who introduced you?</p> <p>24 A. I would think I introduced myself. I</p>

<p style="text-align: right;">Page 63</p> <p>1 was pretty much responsible for the mail machine,  2 if there was any service to be done, and so I  3 would have gone up and introduced myself. I don't  4 recall specifically, however, but that's logical  5 when I would have done.  6 Q. Okay.  7 So you said you were responsible for the  8 mail machine.  9 Do you remember when Jane Doe 1 worked  10 in the mailroom, what your title was?  11 A. I do not.  12 Q. But you remember that when she worked in  13 the mailroom, you were responsible for the mail  14 machine?  15 A. Yes.  16 Q. All right.  17 Would that have made you Jane Doe 1's  18 supervisor at that time?  19 A. No.  20 Q. Did you know anything about Jane Doe 1  21 before you met her?  22 A. I did not.  23 Q. At some point did you come to learn that  24 Jane Doe 1 struggled with alcohol and/or was an</p>	<p style="text-align: right;">Page 65</p> <p>1 October Fest. It was a fundraiser for the  2 commissioners campaign.  3 Q. Was -- do you remember what year that  4 was?  5 A. I do not. It would be a guess. I  6 don't -- I don't want to guess.  7 Q. Well, were you county administrator yet?  8 A. No.  9 Q. Okay.  10 So it was prior to September of 2016?  11 A. Yes.  12 Q. And if I told you Jane Doe 1 started in  13 the 2014 and you said it was October Fest, I am  14 going to, correct me if I am wrong, make an  15 assumption it either had to be 2014 or 2015,  16 correct?  17 A. I would suspect 2015, that was the --  18 that was the election year.  19 Q. Okay.  20 Were all county employees at this  21 political function?  22 A. No.  23 Q. Did you question why Jane Doe 1 was at  24 the political function?</p>
<p style="text-align: right;">Page 64</p> <p>1 alcoholic?  2 A. Only after the complaint was filed.  3 Q. And when you say the complaint, are you  4 talking about the lawsuit in this case?  5 A. Yes. When things -- when I read some of  6 the things in the complaint, it was an issue  7 that -- that an alcoholic, but I was not aware of  8 that before that.  9 Q. So you -- prior to at least 2020, May of  10 2020, you had no knowledge that Jane Doe 1 had any  11 issues with alcohol?  12 A. I don't recall any of that. I know  13 the -- the -- we were at a function one time and  14 she was -- looked like she was slightly inebriated  15 and I did mention that to Mr. Halcovage because it  16 was a political event, but I didn't know she had a  17 problem with it.  18 Q. Okay.  19 When you mentioned it to Mr. Halcovage,  20 what was his response?  21 A. That he would speak to her.  22 Q. Do you remember what political function  23 that was?  24 A. I think that was at an event called the</p>	<p style="text-align: right;">Page 66</p> <p>1 A. They were selling -- or taking names at  2 the door and handing out nametags and things of  3 that sort.  4 Q. Who is they?  5 A. Jane Doe 2, Jane Doe 1, Mrs. Halcovage.  6 Q. Why did you believe that you should say  7 something to Defendant Halcovage about Jane Doe  8 1's inebriation?  9 A. Well, she was active in the campaign and  10 if she drove there herself, that might be a  11 problem.  12 Q. What do you mean she was active in the  13 campaign?  14 A. I think they helped at the door that  15 day. I think they went door to door. They did  16 some things for the -- the Halcovage campaign.  17 Q. What's your opinion of Jane Doe 1?  18 A. I think Jane Doe 1 is a very bright  19 woman. She's very friendly. I've never had any  20 issues with Jane Doe 1. When she was in the  21 mailroom, she did a fantastic job.  22 Q. Jane Doe 1 has been employed by the  23 county as a real estate market analyst in the tax  24 assessment office for the entire time that you've</p>

<p>Page 67</p> <p>1 been county administrator, correct?</p> <p>2 A. Yes.</p> <p>3 Q. In that position, Jane Doe 1 reports to</p> <p>4 and supervised by the assistant or deputy assessor</p> <p>5 and then deputy -- or then the chief assessor</p> <p>6 followed by you, and then the commissioners,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Prior to May of 2020, did you review</p> <p>10 Jane Doe 1's work performance at all in her</p> <p>11 position of real estate market analyst?</p> <p>12 A. I did not.</p> <p>13 Q. Prior to May of 2020, did you have any</p> <p>14 questions or concerns regarding Jane Doe 1's work</p> <p>15 performance as a real estate market analyst?</p> <p>16 A. I did not.</p> <p>17 Q. Prior to May of 2020, had anyone raised</p> <p>18 any issues or concerns regarding Jane Doe 1's work</p> <p>19 performance as a real estate market analyst?</p> <p>20 A. Not to me, no.</p> <p>21 MS. SMITH: Going to look at --</p> <p>22 mark as Exhibit 213, it's going to be towards the</p> <p>23 back of the stack, it's 1206 to 1208, it's a</p> <p>24 stapled one.</p>	<p>Page 69</p> <p>1 Q. Okay.</p> <p>2 So this is the job classification,</p> <p>3 description that applies to Jane Doe 1 and has</p> <p>4 applied to Jane Doe 1 for the entire time she's</p> <p>5 been real estate market analyst, correct?</p> <p>6 A. Correct.</p> <p>7 Q. So, again, I want to talk about -- focus</p> <p>8 on the time frame of when you became county</p> <p>9 administrator, so September 2016 and May of 2020.</p> <p>10 During that time, is there anything in this job</p> <p>11 classification that you are aware that Jane Doe 1</p> <p>12 did not do?</p> <p>13 A. I can't answer that. I'm not aware of</p> <p>14 any.</p> <p>15 Q. Okay.</p> <p>16 Again, that's all I am asking you is</p> <p>17 your personal knowledge.</p> <p>18 A. Okay.</p> <p>19 Q. So you're not aware of anything that she</p> <p>20 did not do within this job description?</p> <p>21 A. I am not.</p> <p>22 Q. Okay.</p> <p>23 Is there anything during that same time</p> <p>24 in this job description that you believe Jane Doe</p>
<p>Page 68</p> <p>1 ---</p> <p>2 (Bates Stamped 1206-1208 marked as</p> <p>3 Exhibit-213 for identification.)</p> <p>4 ---</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Mr. Bender, I am going to ask you again</p> <p>7 just to generally look at this document and then I</p> <p>8 am going to ask you some specific questions about</p> <p>9 it.</p> <p>10 Again, my first question being, do you</p> <p>11 recognize the document?</p> <p>12 A. I do.</p> <p>13 Q. And this is the county job</p> <p>14 classification description for that position Jane</p> <p>15 Doe 1 holds, real estate market analyst, correct?</p> <p>16 A. It is.</p> <p>17 Q. If we turn to the last page, this</p> <p>18 document indicates a date of December 1996, with a</p> <p>19 revision date of January 14, 2009.</p> <p>20 Would you agree?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any reason to believe it's</p> <p>23 been revised since 2009?</p> <p>24 A. Not that I'm aware of.</p>	<p>Page 70</p> <p>1 I was not qualified to do?</p> <p>2 MS. JONES: I'll object to the</p> <p>3 form.</p> <p>4 But he can answer.</p> <p>5 THE WITNESS: I am not aware of</p> <p>6 any.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Did anyone ever tell you that they</p> <p>9 thought that Jane Doe 1 was having sex with</p> <p>10 Defendant Halcovage?</p> <p>11 A. They did not.</p> <p>12 Q. Did you ever hear rumors that Jane Doe 1</p> <p>13 was having sex with Defendant Halcovage?</p> <p>14 A. I did not.</p> <p>15 Q. Did Defendant Halcovage ever tell you</p> <p>16 that she was having sex with Jane Doe 1?</p> <p>17 A. He did not.</p> <p>18 Q. Did Defendant Halcovage tell you that</p> <p>19 there were rumors that he was having sex with Jane</p> <p>20 Doe 1?</p> <p>21 A. He did not.</p> <p>22 Q. Did you ever hear Defendant Halcovage</p> <p>23 make a comment about Jane Doe 1's physical</p> <p>24 appearance?</p>



<p>Page 71</p> <p>1 A. I did not.</p> <p>2 Q. Did you ever hear Defendant Halcovage</p> <p>3 tell Jane Doe 1 that she was gorgeous?</p> <p>4 A. I did not.</p> <p>5 Q. Every hear her tell -- ever hear him</p> <p>6 tell Jane Doe 1 she was a jaw dropper?</p> <p>7 A. I did not.</p> <p>8 Q. Ever here Mr. Halcovage tell Jane Doe 1</p> <p>9 she was beautiful?</p> <p>10 A. I did not.</p> <p>11 Q. Ever hear him tell her she was a head</p> <p>12 turner?</p> <p>13 A. I did not.</p> <p>14 Q. Ever hear him say she has -- Jane Doe 1</p> <p>15 has the wow or it factor?</p> <p>16 A. Did not.</p> <p>17 Q. Did you ever observe Defendant Halcovage</p> <p>18 shut the door to his office at the courthouse when</p> <p>19 he and Jane Doe 1 were the only ones in his</p> <p>20 office?</p> <p>21 A. Repeat that first part. Go ahead.</p> <p>22 Q. Did you ever observe Defendant Halcovage</p> <p>23 shut the door to his office at the courthouse when</p> <p>24 he and Jane Doe 1 were the only ones in his</p>	<p>Page 73</p> <p>1 A. -- didn't think it was appropriate.</p> <p>2 Q. You didn't think it was appropriate?</p> <p>3 A. I do not.</p> <p>4 Q. Okay.</p> <p>5 At this time, were you county</p> <p>6 administrator?</p> <p>7 A. I don't recall because I was in that</p> <p>8 office from '13 to '16 before I became the</p> <p>9 administrator. I was in that same office, so it</p> <p>10 could have been prior to --</p> <p>11 Q. But you were -- I'm sorry. Go ahead. I</p> <p>12 didn't mean to interrupt you.</p> <p>13 A. It -- it could have been prior to me</p> <p>14 being the administrator because I was in the same</p> <p>15 office.</p> <p>16 Q. Okay.</p> <p>17 So you don't recall, it -- it could have</p> <p>18 been before your administrator or it could have</p> <p>19 been when you were administrator?</p> <p>20 A. Correct.</p> <p>21 Q. All right.</p> <p>22 Did Ms. Shlanta report to you as a</p> <p>23 supervisor?</p> <p>24 A. Yes.</p>
<p>Page 72</p> <p>1 office?</p> <p>2 A. No, I did not observe him shutting the</p> <p>3 door. I do know that the door was shut on at</p> <p>4 least two or three occasions. Wendy Shlanta told</p> <p>5 me, I went in, I -- I went up to the door,</p> <p>6 knocked, and walked right in.</p> <p>7 Q. Okay.</p> <p>8 So Ms. -- is it Shlanta? How do you say</p> <p>9 it?</p> <p>10 A. Yes. S-H-L-A-N-T-A, Shlanta.</p> <p>11 Q. Okay.</p> <p>12 Ms. Shlanta brought to your attention</p> <p>13 that Jane Doe 1 was alone with Defendant Halcovage</p> <p>14 in his office.</p> <p>15 Is that what I understand?</p> <p>16 A. Yes.</p> <p>17 Q. And you went then to the office and</p> <p>18 opened the door and went in, correct?</p> <p>19 A. Yes. Yes.</p> <p>20 Q. Is that because it caused you concern or</p> <p>21 hesitation why she would be in there with</p> <p>22 Defendant Halcovage?</p> <p>23 A. It caused Wendy's some concern and I --</p> <p>24 Q. Okay.</p>	<p>Page 74</p> <p>1 Q. Is that both as county administrator and</p> <p>2 in prior roles or just as county administrator?</p> <p>3 A. No. In -- in prior roles when I became</p> <p>4 the director of economic development, Mark asked</p> <p>5 me to oversee Wendy's, although he was a direct</p> <p>6 response -- report, Wendy, and the chief clerk.</p> <p>7 Q. Did you continue to supervisor Ms.</p> <p>8 Shlanta after you became county administrator?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. Yeah, she was my executive secretary.</p> <p>12 Okay.</p> <p>13 And Jane Doe 1, do you know when these</p> <p>14 two to three occasions occurred where she was in</p> <p>15 Defendant Halcovage's office alone, was she a real</p> <p>16 estate market analyst or --</p> <p>17 MS. JONES: Objection. I'm sorry.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. -- or something else?</p> <p>20 MS. JONES: I'm sorry. I object to</p> <p>21 the form of the question.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. You can answer it.</p> <p>24 A. Okay.</p>

<p>Page 75</p> <p>1 MS. JONES: Sorry. I'm sorry, yes,</p> <p>2 you can.</p> <p>3 THE WITNESS: I don't recall. I --</p> <p>4 I don't recall the time frame.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Can you extrapolate or articulate more</p> <p>7 why you felt it was inappropriate for Jane Doe 1</p> <p>8 to be -- let me -- let me clarify something. This</p> <p>9 might be why Marie objected.</p> <p>10 When you walked into Defendant</p> <p>11 Halcavage's office, was it just Jane Doe 1 and Mr.</p> <p>12 Halcavage alone in that office?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. Commissioner Halcavage was behind his</p> <p>16 desk and she was at a table at the other end of</p> <p>17 the record.</p> <p>18 Q. Any --</p> <p>19 MS. JONES: And for the record, my</p> <p>20 objection was because you said two or three times</p> <p>21 and I think you only asked him about one.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Was she -- I -- well, let's clarify that</p> <p>24 then, Mr. Bender.</p>	<p>Page 77</p> <p>1 A. Ask her why she was uncomfortable?</p> <p>2 Q. Yes.</p> <p>3 A. I did not. No, I just went back and</p> <p>4 went in and told them, try to leave the door open.</p> <p>5 I did mention it to --</p> <p>6 Q. Okay.</p> <p>7 A. -- to -- to Commissioner Halcavage.</p> <p>8 Q. You what? I'm sorry.</p> <p>9 A. I mentioned it to Commissioner</p> <p>10 Halcavage.</p> <p>11 Q. What did you say to him?</p> <p>12 A. I said it's not a good idea to have your</p> <p>13 door closed with an employee in the office,</p> <p>14 unless -- say if it were a very confidential</p> <p>15 matter that was being discussed, but if it's -- if</p> <p>16 it's just -- it just is not appropriate in my</p> <p>17 opinion. That's my personal thing.</p> <p>18 Q. Sure. Understand.</p> <p>19 And what was Mr. Halcavage's response?</p> <p>20 A. They were talking about insurance.</p> <p>21 Q. Insurance for the county or..?</p> <p>22 A. No. Probably her personal insurance or</p> <p>23 maybe insurance for -- I don't know. It's an</p> <p>24 insurance matter. I'm sorry. I don't -- it was</p>
<p>Page 76</p> <p>1 MS. JONES: So that's why.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. On two or three occasions, I thought --</p> <p>4 I thought that's what you testified to, that this</p> <p>5 happened?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And on those two or three times where</p> <p>9 Jane Doe 1 and Mr. Halcavage were in his office</p> <p>10 alone, you indicated that you thought it was</p> <p>11 inappropriate. Can you tell us why did you think</p> <p>12 that?</p> <p>13 A. I just don't think it's appropriate to</p> <p>14 have an employee in your office with the door</p> <p>15 closed. There's no reason to have the door closed</p> <p>16 in there. It just -- personal, I wouldn't do it.</p> <p>17 Q. Okay.</p> <p>18 Did Ms. Shlanta inform you why -- why</p> <p>19 she was concerned about it?</p> <p>20 A. It just made her uncomfortable.</p> <p>21 Q. Did she say why?</p> <p>22 A. She did not.</p> <p>23 Q. All right.</p> <p>24 Did you ask her?</p>	<p>Page 78</p> <p>1 an insurance matter. And I said that's okay, but</p> <p>2 it's still not -- it's not top secret.</p> <p>3 Q. Okay.</p> <p>4 Did you report this to human resources</p> <p>5 at all?</p> <p>6 A. At our -- at our daily meeting, it</p> <p>7 depends what the time frame of this was. I would</p> <p>8 say perhaps not -- Martina Chaswiak and I did not</p> <p>9 meet every day. Ms. Twigg came on board in -- I</p> <p>10 can't recall now. I'm getting myself confused.</p> <p>11 Q. I think it was 2018 Ms. Twigg came on</p> <p>12 board.</p> <p>13 A. Okay. It would have been before that.</p> <p>14 Q. Okay.</p> <p>15 The two to three times you observed Jane</p> <p>16 Doe 1 in Mr. Halcavage's office was before Ms.</p> <p>17 Twigg became HR director?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 And, again, so you said you and Martina</p> <p>21 that did not meet --</p> <p>22 A. Daily.</p> <p>23 Q. -- every day? But you did? I'm sorry.</p> <p>24 A. We did not.</p>

<p>Page 79</p> <p>1 Q. Okay.</p> <p>2 Did you and Ms. Twigg meet every day?</p> <p>3 A. We did.</p> <p>4 Q. All right.</p> <p>5 So do you believe that you reported this</p> <p>6 observation Ms. -- and Ms. Shlanta's comments to</p> <p>7 you, to HR?</p> <p>8 A. I don't recall. I mean, I don't want to</p> <p>9 say yes if it was no and I don't want to say no if</p> <p>10 it was yes, so I don't recall.</p> <p>11 Q. Okay.</p> <p>12 Were you ever in Defendant Halcavage's</p> <p>13 courthouse office with --</p> <p>14 MS. JONES: I'm sorry. You -- you</p> <p>15 blanked out. Can you say that one more time.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Were you ever in Defendant Halcavage --</p> <p>18 in Defendant Halcavage's courthouse office with</p> <p>19 him and Jane Doe 1?</p> <p>20 A. Only the times that I just mentioned, I</p> <p>21 walked in so I would have been in the office for a</p> <p>22 period of time and then I -- I went out, but I</p> <p>23 wasn't in as a discussion, no.</p> <p>24 Q. Okay.</p>	<p>Page 81</p> <p>1 Q. Is that something he used quite often?</p> <p>2 A. It was a term he liked.</p> <p>3 Q. Can you tell us what context he would</p> <p>4 use it in? What was he saying was an</p> <p>5 inner-sanctum?</p> <p>6 A. That's -- that's hard to answer. I</p> <p>7 never quite got it. It's -- it's -- if we talked</p> <p>8 about county policies or inner-sanctum, he felt</p> <p>9 that we had confidence in each other that, you</p> <p>10 know, we could talk about -- just about anything.</p> <p>11 Q. Okay.</p> <p>12 I'm sorry. I just want to ask you one</p> <p>13 or two more questions about the times you observed</p> <p>14 Defendant Halcavage and Jane Doe 1 in his office.</p> <p>15 When you left Defendant Halcavage's</p> <p>16 office, was Jane Doe 1 still in there with him?</p> <p>17 A. Yes.</p> <p>18 Q. Did you leave the door open or did you</p> <p>19 --</p> <p>20 A. Yes.</p> <p>21 Q. -- shut --</p> <p>22 A. No. I left it open.</p> <p>23 Q. Okay.</p> <p>24 At any time thereafter, after you made</p>
<p>Page 80</p> <p>1 So other than those two to three</p> <p>2 times --</p> <p>3 A. Correct.</p> <p>4 Q. -- that we just discussed, you were</p> <p>5 never in Defendant Halcavage's office for like a</p> <p>6 meeting with Jane Doe 1?</p> <p>7 A. No. No.</p> <p>8 THE COURT REPORTER: Can you let</p> <p>9 counsel get her full question out. I don't get</p> <p>10 the end of it. I know you can anticipate her</p> <p>11 question --</p> <p>12 THE WITNESS: Okay.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. It's normal. You'll get used to it</p> <p>15 because you're -- you're used to conversation and</p> <p>16 that -- so -- but you'll get used to it by the</p> <p>17 end.</p> <p>18 Mr. Bender, did you ever hear Defendant</p> <p>19 Halcavage tell Mr. -- tell Jane Doe 1 that he had</p> <p>20 her back as long as she stuck with him?</p> <p>21 A. I do not recall that.</p> <p>22 Q. Did you ever hear Defendant Halcavage</p> <p>23 use the words inner-sanctum?</p> <p>24 A. Yes.</p>	<p>Page 82</p> <p>1 this observation, the two to three observations of</p> <p>2 Jane Doe 1 in Mr. Halcavage's office alone, did</p> <p>3 you ever speak with Jane Doe 1 and ask her if she</p> <p>4 was uncomfortable with that, if there was any</p> <p>5 issues, or how she felt?</p> <p>6 A. I did not.</p> <p>7 Q. Did you ever hear -- now I am going,</p> <p>8 sorry, back to the inner-sanctum.</p> <p>9 Did you ever hear Defendant Halcavage</p> <p>10 state that Jane Doe 1 was in his inner-sanctum?</p> <p>11 A. I did not.</p> <p>12 Q. Did Defendant Halcavage ever instruct</p> <p>13 you to look out for, protect, be nice, something</p> <p>14 along those lines, to Jane Doe 1?</p> <p>15 A. No.</p> <p>16 Q. Did you and Defendant Halcavage ever</p> <p>17 discuss --</p> <p>18 MS. JONES: You --</p> <p>19 THE WITNESS: I lost part of that</p> <p>20 sentence.</p> <p>21 MS. JONES: We couldn't get you</p> <p>22 there.</p> <p>23 MS. SMITH: Sure.</p> <p>24 BY MS. SMITH:</p>

<p>Page 83</p> <p>1 Q. Did you and Defendant Halcavage ever</p> <p>2 discuss Jane Doe 1 in any capacity?</p> <p>3 A. I think when she was going into the</p> <p>4 assessment office.</p> <p>5 Q. Okay.</p> <p>6 What did you discuss?</p> <p>7 A. She was moving there as a union</p> <p>8 position, I hadn't realized that she was a</p> <p>9 certified appraiser and he had informed me of</p> <p>10 that.</p> <p>11 Q. Was Jane Doe 1's move to the assessment</p> <p>12 office Defendant Halcavage's idea?</p> <p>13 A. No. It was a position that opened up.</p> <p>14 You have to understand, the mailroom is probably</p> <p>15 the lowest paid position in the courthouse or it</p> <p>16 was until they changed it, and so the frustration</p> <p>17 I always had with the mailroom is that people</p> <p>18 always want to believe because it's the lowest</p> <p>19 paid. That position -- I think tax claim opened</p> <p>20 up first. I can't quite remember, but then</p> <p>21 assessment opened up and -- and Ginny Murray</p> <p>22 interviewed her and that's when he said she</p> <p>23 already -- she already had an appraiser's license,</p> <p>24 so she was a -- a good fit for this particular</p>	<p>Page 85</p> <p>1 A. Jane Doe 1 and Jane Doe 2.</p> <p>2 Q. Okay.</p> <p>3 Did you ever hear Defendant Halcavage</p> <p>4 tell Jane Doe 1 that she better be careful or she</p> <p>5 might not have a job?</p> <p>6 A. I did not.</p> <p>7 Q. Did you ever hear Defendant Halcavage</p> <p>8 explicitly or implicitly threaten Jane Doe 1's</p> <p>9 job?</p> <p>10 A. Did not.</p> <p>11 Q. Ever hear him threaten either explicitly</p> <p>12 or implicitly, any county employees' job?</p> <p>13 A. No.</p> <p>14 Q. Did you ever observe Defendant Halcavage</p> <p>15 request that Jane Doe 1 work and/or attend a</p> <p>16 political fundraiser or event?</p> <p>17 A. Repeat that.</p> <p>18 Q. Did you ever observe Defendant Halcavage</p> <p>19 request that Jane Doe 1 work and/or attend a</p> <p>20 political fundraiser or event?</p> <p>21 A. No. I never heard him ask her to attend</p> <p>22 one, no.</p> <p>23 Q. Did Defendant Halcavage ever tell you</p> <p>24 whether he thought Jane Doe 1 was a hard worker?</p>
<p>Page 84</p> <p>1 job.</p> <p>2 Q. Okay.</p> <p>3 Did you discuss Jane Doe 1 with</p> <p>4 Defendant Halcavage in any other capacity that we</p> <p>5 haven't talked about yet?</p> <p>6 A. In terms of her helping in the campaign,</p> <p>7 I would have, yes. She was an avid campaigner.</p> <p>8 She would be at events and -- and just a</p> <p>9 supporter. And she would come to committee</p> <p>10 meetings from time to time, I think her boyfriend</p> <p>11 at the time was a committee member, so I would see</p> <p>12 her there.</p> <p>13 Q. And what exactly about her committee</p> <p>14 membership or --</p> <p>15 A. She wasn't a committee member --</p> <p>16 Q. -- or campaign --</p> <p>17 A. I think her boyfriend was.</p> <p>18 Q. Okay.</p> <p>19 So what about the committee or campaign,</p> <p>20 as it relates to Jane Doe 1, did you discuss with</p> <p>21 Mr. Halcavage?</p> <p>22 A. That they were pretty active in the</p> <p>23 campaign.</p> <p>24 Q. They meaning?</p>	<p>Page 86</p> <p>1 A. I don't recall. He probably did. They</p> <p>2 were good workers.</p> <p>3 Q. Did he -- when you say they, are you</p> <p>4 referring to Jane Doe 1 and Jane Doe 2?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 Did he ever comment on Jane Doe 1's, he</p> <p>8 being Defendant Halcavage, ever comment on Jane</p> <p>9 Doe 1's work ethic?</p> <p>10 A. No.</p> <p>11 Q. Did you ever hear him say Jane Doe 1 was</p> <p>12 going places?</p> <p>13 A. No.</p> <p>14 Q. Did you ever observe Defendant Halcavage</p> <p>15 request that Jane Doe 1 obtain campaign petition</p> <p>16 signatures?</p> <p>17 A. No.</p> <p>18 Q. Did Defendant Halcavage ever ask you to</p> <p>19 obtain campaign petition signatures?</p> <p>20 A. Yes.</p> <p>21 Q. When did he ask you to do that?</p> <p>22 A. In each campaign --</p> <p>23 Q. So --</p> <p>24 A. -- and when he campaigned for</p>

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<p>1 commissioner.</p> <p>2 Q. So when he campaigned for commissioner</p> <p>3 before 2012, or his subsequent run?</p> <p>4 A. Probably beginning in '15. I didn't</p> <p>5 really know him in the prior campaign.</p> <p>6 Q. Okay.</p> <p>7 Let's -- let me ask you a little bit</p> <p>8 about that then.</p> <p>9 A. Okay.</p> <p>10 Q. When did you meet Defendant Halcovage?</p> <p>11 A. Some time during the campaign season of</p> <p>12 2011.</p> <p>13 Q. All right.</p> <p>14 But you don't recall if you were -- were</p> <p>15 requested or got Defendant Halcovage campaign</p> <p>16 petition signatures --</p> <p>17 A. I know I wouldn't have then. I didn't</p> <p>18 know him then.</p> <p>19 MS. JONES: Gary, you have to let</p> <p>20 her finish the question. You have to let her</p> <p>21 finish the question because it just makes an ugly</p> <p>22 transcript.</p> <p>23 THE WITNESS: I'm getting worse as</p> <p>24 the -- as the day goes on.</p>	<p>1 Q. Did you ever observe Defendant Halcovage</p> <p>2 engage in behavior, in any behavior, with Jane Doe</p> <p>3 1, that made you uncomfortable? And we went</p> <p>4 through the office, so I don't want you to rehash</p> <p>5 that. But any other times?</p> <p>6 A. No.</p> <p>7 Q. Did you ever observe Defendant Halcovage</p> <p>8 engage in any other behavior outside the -- the</p> <p>9 office times that we discussed, with Jane Doe 1</p> <p>10 that you felt was inappropriate for the workplace?</p> <p>11 A. No.</p> <p>12 Q. Did you ever observe Defendant Halcovage</p> <p>13 make any comments to or about Jane Doe 1 that made</p> <p>14 you uncomfortable?</p> <p>15 A. No.</p> <p>16 Q. Did you ever observe Defendant Halcovage</p> <p>17 make any comments to or about Jane Doe 1 that you</p> <p>18 thought were inappropriate for the workplace?</p> <p>19 A. No.</p> <p>20 Q. Has Defendant Halcovage been to your</p> <p>21 home?</p> <p>22 A. Yes. He brought his granddaughter there</p> <p>23 one time.</p> <p>24 Q. So he's been to your home only one time?</p>
Page 88	Page 90
<p>1 BY MS. SMITH:</p> <p>2 Q. So you didn't -- you met him during that</p> <p>3 campaign, but you didn't know him enough to get</p> <p>4 signatures for him; is that what I understand?</p> <p>5 A. Correct.</p> <p>6 Q. Okay.</p> <p>7 But you do believe that for his 2015</p> <p>8 run, you obtained petition signatures for him?</p> <p>9 A. Yes.</p> <p>10 Q. And he also ran for, was it, congress?</p> <p>11 A. Yes.</p> <p>12 Q. Did you obtain petition signatures for</p> <p>13 him for that congressional run?</p> <p>14 A. You know, I'm not certain.</p> <p>15 Q. Okay.</p> <p>16 Do you recall for the commissioner run</p> <p>17 in 2015, did you obtain the signatures at your own</p> <p>18 doing or Commissioner Halcovage's request?</p> <p>19 A. My own doing.</p> <p>20 Q. He never requested you obtain them?</p> <p>21 A. No. I asked for a petition.</p> <p>22 Q. Did you ever observe Defendant Halcovage</p> <p>23 buy or provide Jane Doe 1 with alcohol?</p> <p>24 A. No.</p>	<p>1 A. One time.</p> <p>2 Q. And he brought his granddaughter?</p> <p>3 A. And his wife.</p> <p>4 Q. Why -- was he invited or how did that</p> <p>5 come about?</p> <p>6 A. To my recollection, there was a parade</p> <p>7 in Tower City and they stopped over afterwards.</p> <p>8 Q. Did he call you before he stopped over</p> <p>9 or did he show up --</p> <p>10 A. No --</p> <p>11 Q. -- unannounced?</p> <p>12 So he showed up unannounced?</p> <p>13 A. Correct.</p> <p>14 Q. Were you aware that Defendant Halcovage</p> <p>15 was in Jane Doe 1's home on multiple occasions?</p> <p>16 A. No.</p> <p>17 Q. Are you now aware that he's been to her</p> <p>18 home on multiple occasions?</p> <p>19 A. Only from what I've read.</p> <p>20 Q. Okay.</p> <p>21 When you say what you've read, you mean</p> <p>22 in the complaint --</p> <p>23 A. Correct.</p> <p>24 Q. -- and discovery in this matter?</p>



<p>Page 91</p> <p>1 A. And during -- yes. During the invest --</p> <p>2 I'm sorry. Yes, during the investigation.</p> <p>3 Q. Okay.</p> <p>4 So prior to May of 2020 then at least,</p> <p>5 it's fair to say you did not know that Defendant</p> <p>6 Halcovage had been to Jane Doe 1's home?</p> <p>7 A. Correct.</p> <p>8 Q. At any point did you become aware that</p> <p>9 Defendant Halcovage called and texted Jane Doe 1</p> <p>10 on her personal cell phone outside of work hours?</p> <p>11 A. No.</p> <p>12 Q. Are you now aware of that?</p> <p>13 A. From the investigation, yes.</p> <p>14 Q. Okay.</p> <p>15 Do you believe that it's appropriate for</p> <p>16 a county commissioner to go to the home of a</p> <p>17 subordinate employee?</p> <p>18 MS. JONES: Object to the form.</p> <p>19 You can answer.</p> <p>20 THE WITNESS: Uninvited?</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Let's start with just generally, let's</p> <p>23 start with invited.</p> <p>24 Do you think that it's appropriate?</p>	<p>Page 93</p> <p>1 THE WITNESS: It would depend on</p> <p>2 the employee. If it were me, I would say yes. I</p> <p>3 correspond with people sometimes at 3:00 in the</p> <p>4 morning, not directly, on an e-mail. In other</p> <p>5 words, if I get awake, sometimes I send e-mails at</p> <p>6 3:00 in the morning.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Are those e-mails work related?</p> <p>9 A. Yes.</p> <p>10 Q. All right.</p> <p>11 Is it inappropriate for a county</p> <p>12 commissioner to e-mail or text a county employee</p> <p>13 at, let's go with, 11:00 p.m. 12:00 a.m.,</p> <p>14 1:00 a.m., for non-county related business?</p> <p>15 MS. JONES: Object to the form.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. I'm sorry. It's inappropriate or</p> <p>20 appropriate?</p> <p>21 A. It is -- it is inappropriate in my</p> <p>22 opinion.</p> <p>23 Q. Okay.</p> <p>24 Do you believe it's a violation of</p>
<p>Page 92</p> <p>1 A. That's a difficult question, Ms. Smith.</p> <p>2 It would depend -- like, I would be considered his</p> <p>3 subordinate, I didn't think it was inappropriate</p> <p>4 to come to my home. We have a pond his daughter</p> <p>5 wanted to look at. If it's -- let's say if -- if</p> <p>6 you were my employee would it be inappropriate for</p> <p>7 me to go to your home, unannounced, yes, I would</p> <p>8 say that that would be.</p> <p>9 Q. Okay.</p> <p>10 So do you think that if Defendant</p> <p>11 Halcovage did, in fact, go to Jane Doe 1's home</p> <p>12 unannounced, that that would be inappropriate?</p> <p>13 A. And unwise, yes.</p> <p>14 Q. Okay.</p> <p>15 Do you believe that that conduct, if it</p> <p>16 happened, Defendant Halcovage going to Jane Doe</p> <p>17 1's home unannounced or uninvited, would that</p> <p>18 violate any county policy?</p> <p>19 A. I don't think so.</p> <p>20 Q. Do you believe it's appropriate for a</p> <p>21 county commissioner to text or e-mail a county</p> <p>22 employee at 11:00 p.m.?</p> <p>23 MS. JONES: Object to the form.</p> <p>24 You can answer.</p>	<p>Page 94</p> <p>1 county policy?</p> <p>2 A. I wouldn't think so. Let me qualify</p> <p>3 that statement, however. If that employee came to</p> <p>4 me the next day and said I received this text</p> <p>5 at -- at 2:30 in the morning, yes, then -- then I</p> <p>6 would -- I would certainly have a conversation</p> <p>7 with that person and I would take it to HR and</p> <p>8 did.</p> <p>9 Q. Okay.</p> <p>10 Are you talking about Michelle</p> <p>11 O'Connell?</p> <p>12 A. I am. And I think you are too.</p> <p>13 Q. Actually I was talking about Jane Doe 1.</p> <p>14 A. I knew you were going to say that too.</p> <p>15 Sorry.</p> <p>16 Q. Okay.</p> <p>17 I was talking about Jane Doe 1, but I</p> <p>18 was going to get to Michelle O'Connell. So let's</p> <p>19 talk about her.</p> <p>20 A. Okay.</p> <p>21 Q. At some point, Ms. -- Ms. O'Connell did</p> <p>22 bring to your attention that Defendant Halcovage</p> <p>23 had -- I believe he texted her at roughly 2:00 in</p> <p>24 the morning, correct?</p>

<p>Page 95</p> <p>1 A. Correct.</p> <p>2 Q. And do you remember -- so at some point</p> <p>3 Ms. O'Connell brings this is to your attention and</p> <p>4 actually shows you the text message, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And do you remember when she showed you</p> <p>7 the text message?</p> <p>8 A. Yes.</p> <p>9 Q. What year was that?</p> <p>10 A. Oh, jeepers. The year she left, and</p> <p>11 that would have been -- and I will tell you why I</p> <p>12 know that, is that I had received someone at my</p> <p>13 office to do an interview for Michelle for a</p> <p>14 reference and I had gone over and I said, oh, I</p> <p>15 hope you get the job. She was going to go to the</p> <p>16 prison, I wish you very well. I said, it's -- she</p> <p>17 did a great job for me when she was there.</p> <p>18 And she said, now that I'm leaving, I</p> <p>19 want to show you something. So she got her phone</p> <p>20 and showed me this text message. And she said it</p> <p>21 made her uncomfortable. And it had been maybe a</p> <p>22 year before or some time way before that.</p> <p>23 Q. Okay. Let me just unpack that a little</p> <p>24 bit, make sure I understand.</p>	<p>Page 97</p> <p>1 A. No. She -- she didn't, but she kept it.</p> <p>2 Q. Did she make a comment about thinking</p> <p>3 that George could fire her?</p> <p>4 A. I don't recall, but that's something</p> <p>5 Michelle would have been worried about.</p> <p>6 Q. Why would Michelle be worried about</p> <p>7 that?</p> <p>8 A. People have this odd feeling about</p> <p>9 commissioners that they can somehow fire them and</p> <p>10 they cannot. They can collectively, but any one</p> <p>11 commissioner can't do that. And sometimes I get</p> <p>12 flabbergasted and I think sometimes it's just what</p> <p>13 people say, but I -- they can't.</p> <p>14 Q. And so Michelle in particular was</p> <p>15 concerned that Defendant Halcovage could fire her?</p> <p>16 MS. JONES: I'm sorry. Repeat</p> <p>17 that, would you.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. So Michelle O'Connell voiced to you that</p> <p>20 she was specifically concerned that Defendant</p> <p>21 Halcovage would fire her?</p> <p>22 MS. JONES: Object to the form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: I'm not so sure. I</p>
<p>Page 96</p> <p>1 So Ms. O'Connell -- shortly after this</p> <p>2 conversation happened, Ms. O'Connell left</p> <p>3 employment with the county for a job at federal</p> <p>4 prison, right?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay.</p> <p>7 And so Ms. O'Connell says to you, now</p> <p>8 that I'm leaving, let me show you that this?</p> <p>9 A. Yes.</p> <p>10 Q. Is that correct?</p> <p>11 What did you take that to mean? Why --</p> <p>12 why was she waiting until she was leaving to show</p> <p>13 you something?</p> <p>14 A. I did --</p> <p>15 MS. JONES: Objection to form.</p> <p>16 You may answer.</p> <p>17 THE WITNESS: I wanted to know why</p> <p>18 she didn't show it to me. She could have showed</p> <p>19 it to me at any time, and so I said if it made her</p> <p>20 uncomfortable, she should have come to me and</p> <p>21 showed it to me then.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. And did she say why she didn't come and</p> <p>24 show it to you right then?</p>	<p>Page 98</p> <p>1 just don't know why she didn't give it to me at</p> <p>2 the time.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Okay.</p> <p>5 Did you ask her?</p> <p>6 A. She didn't really respond that well, she</p> <p>7 just kept it. But since she was leaving, she gave</p> <p>8 it to me and -- and so I -- I addressed it.</p> <p>9 Q. Did you believe that there was some type</p> <p>10 of fear that Ms. O'Connell had about reporting it</p> <p>11 if she wasn't leaving the county?</p> <p>12 A. Don't know.</p> <p>13 Q. Do you remember what the text message</p> <p>14 said?</p> <p>15 A. I think it said, no deck party tonight.</p> <p>16 Q. Okay.</p> <p>17 Did Ms. O'Connell tell you what she</p> <p>18 thought that meant or did you know what it meant?</p> <p>19 A. I asked what it meant and -- and she</p> <p>20 just said sometimes she has deck parties and so</p> <p>21 there was a text, no deck party tonight, and so it</p> <p>22 seemed weird.</p> <p>23 Q. Did Ms. O'Connell tell you if she was --</p> <p>24 she felt uncomfortable by the text message?</p>

<p>Page 99</p> <p>1 A. Yes. She said she thought it was weird.</p> <p>2 Q. Okay.</p> <p>3 Did you report Ms. O'Connell's -- this</p> <p>4 conversation with Ms. O'Connell to HR?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember who was the HR director</p> <p>7 at the time?</p> <p>8 A. Debra Twigg.</p> <p>9 Q. Do you know, was there any</p> <p>10 investigation?</p> <p>11 A. Debra Twigg had called over to the</p> <p>12 office and asked about it, yes.</p> <p>13 Q. And was there any action taken as it</p> <p>14 relates to Mr. Halcovage?</p> <p>15 A. Disciplinary action, no. Did I speak to</p> <p>16 him about it, yes. But I don't know if Debra</p> <p>17 spoke to him about it, but I certainly did.</p> <p>18 Q. What did you talk with Defendant</p> <p>19 Halcovage about related to this text message?</p> <p>20 A. I relayed that Michelle had shown me a</p> <p>21 text message he sent about no deck party tonight.</p> <p>22 And I said, George, don't you think that's a</p> <p>23 little weird to text somebody at 2:00 in the</p> <p>24 morning. And he said, well, he was Facebook</p>	<p>Page 101</p> <p>1 take photos with female employees at the county?</p> <p>2 A. No.</p> <p>3 Q. Did you ever see Defendant Halcovage hug</p> <p>4 a female employee of the county?</p> <p>5 A. I think at Christmas time, Darlene</p> <p>6 Lachman, as chief clerk, hugged him before</p> <p>7 Christmas. About the only time I saw that.</p> <p>8 That's common place at Christmas time.</p> <p>9 Q. Okay.</p> <p>10 Did you ever learn that Defendant</p> <p>11 Halcovage was alone with Jane Doe 1 in the</p> <p>12 courthouse when it was closed?</p> <p>13 A. Was I aware of that are you saying? No.</p> <p>14 Q. Did you ever come to learn that?</p> <p>15 A. No. Well, yes, when the complaint was</p> <p>16 filed.</p> <p>17 Q. Okay.</p> <p>18 So not until after May of 2020, at</p> <p>19 least?</p> <p>20 A. Correct.</p> <p>21 Q. All right.</p> <p>22 So you weren't aware that Defendant</p> <p>23 Hal -- until May of 2020, you weren't aware that</p> <p>24 Defendant Halcovage had pulled down his zipper and</p>
<p>Page 100</p> <p>1 friends with other people and they usually have</p> <p>2 these deck parties and hew as just texting or --</p> <p>3 late at night and just said no deck party tonight,</p> <p>4 so -- but I thought it was weird.</p> <p>5 Q. Did you tell him that despite what he --</p> <p>6 how he justified it, that he still shouldn't</p> <p>7 text --</p> <p>8 A. Yes.</p> <p>9 Q. -- county employees at 2:00 a.m.?</p> <p>10 A. Yes.</p> <p>11 Q. And what was his response is?</p> <p>12 A. Just said okay.</p> <p>13 Q. Was Defendant Halcovage -- was there any</p> <p>14 documented written warning, verbal warning</p> <p>15 regarding this?</p> <p>16 A. I would think not.</p> <p>17 Q. Was Defendant Halcovage required to</p> <p>18 submit to additional training of any sort?</p> <p>19 A. No.</p> <p>20 Q. Did you ever observe Defendant Halcovage</p> <p>21 ask any female employee to bounce up and down on</p> <p>22 their ergonomic ball chairs?</p> <p>23 A. No.</p> <p>24 Q. Did you ever see Defendant Halcovage</p>	<p>Page 102</p> <p>1 said to her, oral sex seems to be your thing?</p> <p>2 A. No.</p> <p>3 Q. Have you reviewed Ms. Twigg's</p> <p>4 investigation report regarding this -- this case</p> <p>5 or this matter?</p> <p>6 A. Yes.</p> <p>7 Q. And in -- have you reviewed her -- Ms.</p> <p>8 Twigg's notes from her interviews with Defendant</p> <p>9 Halcovage?</p> <p>10 A. I don't think I read the notes, but we</p> <p>11 met; her, Glenn, and I met after each interview.</p> <p>12 Q. Okay.</p> <p>13 So at some point, did you become aware</p> <p>14 that Defendant Halcovage admitted to pulling his</p> <p>15 zipper down while in the courthouse with Jane Doe</p> <p>16 1 and saying, oral sex seems to be your thing?</p> <p>17 A. Yes.</p> <p>18 Q. As a result of that, what, if anything,</p> <p>19 did you do to ensure that Jane Doe 1 felt safe and</p> <p>20 comfortable in her work environment?</p> <p>21 A. Well, after May, Jane Doe 1 wasn't in</p> <p>22 the building.</p> <p>23 Q. Okay.</p> <p>24 Was that at your doing or..?</p>

<p style="text-align: right;">Page 103</p> <p>1 A. No. As of May, she still would have 2 been on furlough or COVID-related furlough. 3 Q. Okay. 4 After learning this, was Jane Doe 1 ever 5 asked to come back to the courthouse to work? 6 A. In the courthouse, no. She -- she 7 worked at the 410 Building later on, but she 8 didn't come back to the -- to the courthouse 9 proper. 10 Q. Was she ever asked to come back to the 11 courthouse? 12 A. In -- in July -- in the beginning of 13 July, I asked everybody that was on furlough, that 14 they need to come back to work. 15 Q. Okay. 16 At that point, did you reach out to Jane 17 Doe 1 to determine what, if any, accommodations 18 could be made to ensure that she felt comfortable 19 and safe in her working environment? 20 A. Did not. What we had done during that 21 time is to limit Commissioner Halcovage's access 22 to the courthouse from 8:00 to 5:00, Monday 23 through Friday, and to not go out into the 24 courthouse unaccompanied.</p>	<p style="text-align: right;">Page 105</p> <p>1 When did you meet Jane Doe 2? 2 A. Some time after she was hired in the 3 treasurer's office. 4 Q. Do you remember where you met Jane Doe 5 2? 6 A. In the treasurer's office. 7 Q. Do you know who introduced you? 8 A. I do not. 9 Q. Did you know anything about Jane Doe 2 10 before you met her? 11 A. I did not. 12 Q. What's your opinion of Jane Doe 2? 13 A. Again, Jane Doe 2 I think is a bright 14 young woman, very friendly. I thought she was a 15 good worker. She had issues getting to work on 16 time, which is what created problems for her up in 17 the treasurer's office, but she had -- now, single 18 mom, she had a child that had some allergy 19 problems, but there were a number of issues with 20 her getting to work on time. 21 Q. Did Defendant Halcovage ever say 22 anything to you about whether he thought Jane Doe 23 2 was a hard worker? 24 A. I don't know that a hard -- that she was</p>
<p style="text-align: right;">Page 104</p> <p>1 Q. But Jane Doe 1 works -- if she were to 2 return to work in the courthouse, would have been 3 there between the hours of 8:00 and 5:00, correct? 4 A. She would have been in the building, 5 yes. 6 Q. So I just -- I want to make clear, 7 between the time you learned about this -- the 8 allegations, so May of 2020 and when Jane Doe 1 9 started working in the 410 building, did you ever 10 reach out to Jane Doe 1 and ask her what could be 11 done to make her feel comfortable and safe? 12 A. I did not. 13 Q. Did you ever hear Defendant Halcovage 14 singing into his phone while at the courthouse? 15 A. Do what into his phone? 16 Q. Sing into his phone? 17 MS. JONES: Sing. 18 THE WITNESS: No. 19 BY MS. SMITH: 20 Q. Did you ever hear anyone refer to Jane 21 Doe 1 as a whore? 22 A. No. 23 Q. All right. I want to now turn to Jane 24 Doe 2.</p>	<p style="text-align: right;">Page 106</p> <p>1 very bright. 2 Q. Okay. 3 Ever -- did Mr. Halcovage ever make any 4 comments about Jane Doe 2's work ethic? 5 A. No. 6 MS. SMITH: I am going to mark for 7 today's purposes as 214, it's going to be -- 8 actually, I'm sorry. Strike that. 9 BY MS. SMITH: 10 Q. So Jane Doe 2, I think you testified, 11 was initially hired in the treasurer's office; is 12 that correct? 13 A. Correct. 14 Q. Okay. 15 And after she was hired and while you 16 were county commissioner -- I'm sorry -- county 17 administrator, Jane Doe 2 was transferred from the 18 treasurer's office into the tax assessment office; 19 is that correct? 20 A. I would have to take a look at that PAR, 21 quite frankly, Ms. Smith. I'm not sure what the 22 time was. As I said before, I was in that office 23 from 2013 to '16, while I was just the director of 24 economic development. There were a number of</p>



<p style="text-align: right;">Page 107</p> <p>1 people I got to see, so I'm not quite sure when 2 she transitioned into the treasurers office. You 3 may have that date. 4 Q. Okay. 5 MS. SMITH: It's -- I don't know if 6 it's in the stack of papers. It might just be one 7 thing that can be projected on the screen. It's 8 going to be 114, it will be -- it will be Exhibit 9 214 for today's purposes. 10 --- 11 (Bates Stamped 114 marked as Exhibit-214 12 for identification.) 13 --- 14 MS. SMITH: And I'm sorry if you 15 have to look at the screen, but we can zoom in and 16 it will just be a minimal purview of a document, 17 so... 18 MS. JONES: When you say Document 19 114, are you saying from some production, is that 20 why you used that number? 21 MS. SMITH: It may be in that stack 22 and it's Bates stamped 114. It will be today's 23 Exhibit-214. 24 MS. JONES: That's fine.</p>	<p style="text-align: right;">Page 109</p> <p>1 to this and in tears because she felt she was 2 being treat harshly by the other women in the -- 3 in the treasurers office. So we talked about that 4 for a bit. And I just relayed to her, you know, 5 Jane Doe 2, part of the problem up there is that 6 there are five other women in there who get to 7 work on time and sometimes when you're not there, 8 it puts stress on everybody else, so I think that 9 created some of the problem? 10 And she felt she would be a better fit 11 down in the assessment office. And I said, if 12 there's an opening that comes up, I'll see what I 13 can do. And so I did talk to Ginny Murray, when 14 the opening came up, Jane Doe 2 did apply down 15 there. And I did tell Ms. Murray that, I think 16 Jane Doe 2 is a good worker. She has difficulty 17 getting to work on time. And Ms. Murray said to 18 me, that won't be a problem here, so... 19 Q. Did Jane Doe 2 share with you why she 20 thought the women in the treasurers office were 21 being harsh with her? 22 A. Not really. The -- felt that they were 23 just rude to her and just didn't talk to her. 24 But, again, it's -- when you put the burden on</p>
<p style="text-align: right;">Page 108</p> <p>1 Can you see that, Gary? 2 THE WITNESS: Yeah. It says 3 approved on March 28, 2000, is that '18? 4 MS. JONES: Yeah. 5 THE WITNESS: Okay. 6 BY MS. SMITH: 7 Q. Yeah. 8 This is a PAR from Jane Doe 2 -- this is 9 a PAR from Jane Doe 2 and it states -- assessment 10 office. 11 A. Okay. 12 Q. It's a transfer. So is this when Jane 13 Doe 2 was transferred to the assessment office? 14 A. It would appear so, yes. 15 Q. Okay. 16 And you were a county administrator in 17 March of 2018, correct? 18 A. That is correct. 19 Q. All right. 20 Were you involved in Jane Doe 2's 21 transfer from the treasurers office to the tax 22 assessment at all? 23 A. I was and I'll explain why, is that Jane 24 Doe 2 had come down to my office some time prior</p>	<p style="text-align: right;">Page 110</p> <p>1 other employees, sometimes that happens. 2 Q. Jane Doe 2 did mention to you that she 3 thought they were being harsh because of her 4 relationship with Defendant Halcovage? 5 A. No. No. 6 Q. Jane Doe 2 -- I think if we scroll down 7 on this, it's the very bottom of the document 8 that's in front of you, it's right there. 9 Requested action is position interim 10 clerk typist one. 11 So it's my understand, and correct me if 12 I'm wrong, when some transfers into a new role 13 within the county, for a period of time, they are 14 interim in that position for training purposes; 15 isn't that right? 16 A. Yes. We like to keep the person, if 17 there's a person there before they leave, they 18 stay in the office, we will bring someone in as 19 interim to get the training, yes. 20 Q. So the person who holds the position 21 kind of purports their knowledge on the interim 22 person and then they transition out and a new 23 person transitions in fully; is that right? 24 A. Correct.</p>



<p>Page 111</p> <p>1 Q. Okay.</p> <p>2 Jane Doe 2's interim position in the</p> <p>3 assessment office ended and she became a clerk</p> <p>4 typist one in the assessment office, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Did anyone raise any issues or concerns</p> <p>7 with Jane Doe 2's work performance during her</p> <p>8 interim period?</p> <p>9 A. No.</p> <p>10 Q. Did you have any personal knowledge or</p> <p>11 observations of issues or concerns of Jane Doe 2's</p> <p>12 work performance during that interim period?</p> <p>13 A. I did not.</p> <p>14 Q. Okay.</p> <p>15 Eventually Jane Doe 2 moved from clerk</p> <p>16 typist one to field appraiser, still within the</p> <p>17 assessment office, correct?</p> <p>18 A. Correct.</p> <p>19 MS. SMITH: Matt, you can take that</p> <p>20 exhibit down.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. That was in March of 2019?</p> <p>23 A. Okay. I mean, I'm -- I'm assuming you</p> <p>24 know the date, so...</p>	<p>Page 113</p> <p>1 BY MS. SMITH:</p> <p>2 Q. But that concern -- did you raise that</p> <p>3 concern with anyone?</p> <p>4 A. No, because she would have been tested</p> <p>5 in -- in doing her job. If she was doing the job,</p> <p>6 then that -- that wouldn't have been an issue, but</p> <p>7 it was just a personal issue at the time.</p> <p>8 Q. Okay.</p> <p>9 Did anyone prior to Jane Doe 2's</p> <p>10 promotion to field appraiser -- had anyone raised</p> <p>11 any issues or concerns with her being promoted or</p> <p>12 her work performance?</p> <p>13 A. No. And, again, Ms. Smith, when you</p> <p>14 talk about promotions, you have to understand,</p> <p>15 these are union positions, so people bump into</p> <p>16 those positions. So -- so -- and we're required</p> <p>17 to give them the training. So it's not as if</p> <p>18 it's -- someone said I'm being promoted to this.</p> <p>19 If the position opens up, people are eligible to</p> <p>20 apply for it. If someone other than Jane Doe 2</p> <p>21 had applied that had more seniority, they would</p> <p>22 have been given the position.</p> <p>23 Q. Okay.</p> <p>24 But do you believe that when Jane Doe 2</p>
<p>Page 112</p> <p>1 Q. Well, do you recall that sounds about</p> <p>2 right?</p> <p>3 A. Probably.</p> <p>4 Q. Okay.</p> <p>5 Were you involved in the decision --</p> <p>6 strike that.</p> <p>7 Is a move from a clerk typist to field</p> <p>8 appraiser a promotion?</p> <p>9 A. It is.</p> <p>10 Q. Were you involved in the decision to</p> <p>11 promote Jane Doe 2?</p> <p>12 A. I was not.</p> <p>13 Q. Okay.</p> <p>14 Did you have any questions or concerns</p> <p>15 regarding Jane Doe 2's work performance that would</p> <p>16 have lead you to believe she shouldn't have been</p> <p>17 promoted when she was?</p> <p>18 MS. JONES: Object to the form.</p> <p>19 You can answer.</p> <p>20 THE WITNESS: No. Although my</p> <p>21 concern would have been sometime the field</p> <p>22 appraisers get -- they don't report to the</p> <p>23 courthouse regularly and they are sort of on their</p> <p>24 own.</p>	<p>Page 114</p> <p>1 was promoted to field appraiser, that she was</p> <p>2 qualified for the position of field appraiser?</p> <p>3 A. Well, you only know that after they take</p> <p>4 the exam and they are out in the field for a</p> <p>5 little bit. Sometimes it's -- it's -- people</p> <p>6 can't handle that. It's the freedom of being away</p> <p>7 from the courthouse that lures a lot of people to</p> <p>8 the field appraiser and -- but it is difficult job</p> <p>9 and it -- it requires a lot of training and so the</p> <p>10 success is only realized maybe six months later.</p> <p>11 Q. Okay.</p> <p>12 Did you have any pause or hesitation</p> <p>13 about Jane Doe 2 being promoted?</p> <p>14 A. No. I think she was certainly bright</p> <p>15 enough to do that job.</p> <p>16 Q. Okay.</p> <p>17 And, again, when she became field</p> <p>18 appraiser, there was a period of time that she was</p> <p>19 interim field appraiser, correct?</p> <p>20 A. That is correct.</p> <p>21 Q. And during that period of time, did you</p> <p>22 have any personal knowledge of any issues or</p> <p>23 concerns with her work performance as a field</p> <p>24 appraiser?</p>

<p>Page 115</p> <p>1 A. I did not.</p> <p>2 Q. Did anyone raise any issues or concerns</p> <p>3 to you about Jane Doe 2's work performance as a</p> <p>4 field appraiser just, again, for that period, that</p> <p>5 interim period?</p> <p>6 A. No.</p> <p>7 Q. So -- so I will represent to you that</p> <p>8 Jane Doe 2's interim period as a field appraiser</p> <p>9 ended July 3rd of 2019, so she became a field</p> <p>10 appraiser then.</p> <p>11 A. Okay.</p> <p>12 Q. So it was July 3rd of 2019 and May of</p> <p>13 2020, did you have any questions or concerns</p> <p>14 regarding Jane Doe 2's work performance for that</p> <p>15 period of time?</p> <p>16 A. I don't recall any concerns, no.</p> <p>17 Q. During that same period of time, July 3,</p> <p>18 2019, until May of 2020, did you have any</p> <p>19 issues -- I'm sorry -- did anyone raise any issues</p> <p>20 or concerns to you about her work performance?</p> <p>21 A. No.</p> <p>22 MS. SMITH: All right.</p> <p>23 We are now going to look at --</p> <p>24 exhibit -- previously marked Exhibit-182, it's</p>	<p>Page 117</p> <p>1 reporting, but not with her -- her job</p> <p>2 performance.</p> <p>3 Q. Okay.</p> <p>4 So as it relates to that incident, when</p> <p>5 did you learn about sheriffs going to Jane Doe 2's</p> <p>6 home or her failure to report to work?</p> <p>7 A. Probably around the time it happened.</p> <p>8 Ms. Murray had called me about that and said</p> <p>9 they -- that they -- she said she lost her phone</p> <p>10 and there were a number of stories. Anyway, the</p> <p>11 sheriff went up to find her. She was okay and</p> <p>12 then she came back to work.</p> <p>13 Q. And you spoke with Ms. Murray about</p> <p>14 this?</p> <p>15 A. She informed of that, yes.</p> <p>16 Q. And Ms. Murray informed you it was her</p> <p>17 decision to send the sheriffs to Jane Doe 2's</p> <p>18 home?</p> <p>19 A. That is correct.</p> <p>20 Q. Did she say whether she had discussed</p> <p>21 Jane Doe 2's absence with Defendant Halcovage?</p> <p>22 A. She did not. She did not relate that to</p> <p>23 me.</p> <p>24 Q. Okay. All right.</p>
<p>Page 116</p> <p>1 going to be in that giant binder there before you.</p> <p>2 (Previously marked Exhibit-182.)</p> <p>3 BY MS. SMITH:</p> <p>4 Q. It should be if my notes are correct, it</p> <p>5 should be the job classification description for</p> <p>6 the field appraiser position?</p> <p>7 A. If I can -- if I can just back up a</p> <p>8 little bit, Ms. Smith.</p> <p>9 Q. Of course.</p> <p>10 A. Okay. The -- the only concern that was</p> <p>11 raised with Jane Doe 2, and I think it was still</p> <p>12 when she was a clerk, is that for a period of a</p> <p>13 few days that she was sort of incognito, Jane Doe</p> <p>14 1 didn't know where she was and the -- Ms. Murray</p> <p>15 had directed the sheriff to go to her home to find</p> <p>16 out where she was, if she was okay.</p> <p>17 And I know -- and the reason I bring</p> <p>18 that up is in the interview with Jane Doe 2 after</p> <p>19 May, she brought that up, she was not happy about</p> <p>20 that. But that is the only issue I had heard at</p> <p>21 that time, that she did not report why she was not</p> <p>22 coming to work and Jane Doe 1 didn't know where</p> <p>23 she was. So that was the only issue. And it was</p> <p>24 not work related, it was because she wasn't</p>	<p>Page 118</p> <p>1 So then looking at what was previously</p> <p>2 marked as Exhibit-182, which I understand is now</p> <p>3 in front of you and is also projected on or Zoom</p> <p>4 screen, this is the county's job classification</p> <p>5 description for the position of field appraiser,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. If we look to the second page of this</p> <p>9 document, it's dated February 2019.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. As I just represented to you, Jane Doe 2</p> <p>13 was promoted to field appraiser, interim in</p> <p>14 March of 2019, and field appraiser in July of</p> <p>15 2019. So that would mean that this job</p> <p>16 description has been the job description for Jane</p> <p>17 Doe 2's position since she became a field</p> <p>18 appraiser, correct?</p> <p>19 A. Correct.</p> <p>20 Q. All right.</p> <p>21 From the time that Jane Doe 2 became a</p> <p>22 field appraiser until May of 2020, is there</p> <p>23 anything in this job description that you believe</p> <p>24 Jane Doe 2 was not qualified to perform?</p>

<p style="text-align: right;">Page 119</p> <p>1 MS. JONES: Object to the form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: No, I'm not aware of</p> <p>4 any.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. For the same time period, May of 2019 --</p> <p>7 March of 2019 -- I'm sorry -- and May of 2020, is</p> <p>8 there anything in this job classification</p> <p>9 description that you are aware that Jane Doe 2 did</p> <p>10 not do?</p> <p>11 A. Not that I am aware of.</p> <p>12 Q. And finally for that same time period,</p> <p>13 did anyone bring to your attention that Jane Doe 2</p> <p>14 during that time period, did not complete any of</p> <p>15 the essential job duties or responsibilities</p> <p>16 listed in this document?</p> <p>17 A. That was not brought to my attention,</p> <p>18 no.</p> <p>19 Q. Is Jane Doe 2 still employed by the</p> <p>20 county?</p> <p>21 A. No.</p> <p>22 Q. When was she terminated?</p> <p>23 A. She was not. It was a job abandonment</p> <p>24 and resignation.</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Ms. Zula met with Jane Doe 2 regarding</p> <p>2 her alleged resignation?</p> <p>3 A. Correct.</p> <p>4 Q. When was that?</p> <p>5 A. I don't recall. I mean, I can get the</p> <p>6 information. I don't recall it to this day.</p> <p>7 Q. Do you know who else was present in that</p> <p>8 meeting?</p> <p>9 A. I would think the union rep.</p> <p>10 Q. And Jane Doe 2 filed a grievance</p> <p>11 regarding her alleged resignation, correct?</p> <p>12 A. Not that I'm aware of.</p> <p>13 VIDEOGRAPHER: Catherine, if you</p> <p>14 can find a good breaking point in the next 15</p> <p>15 minutes, I need to change the --</p> <p>16 MS. SMITH: Yeah. We can take a</p> <p>17 quick break right now actually.</p> <p>18 VIDEOGRAPHER: That sounds good.</p> <p>19 The time is now 11:16 a.m. and</p> <p>20 we're going off the record.</p> <p>21 - - -</p> <p>22 (Whereupon, brief recess was held off</p> <p>23 the record.)</p> <p>24 - - -</p>
<p style="text-align: right;">Page 120</p> <p>1 Q. Okay.</p> <p>2 Her resignation was put on to a --</p> <p>3 MS. SMITH: Matt, you can take that</p> <p>4 exhibit down.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Jane Doe 2's resignation was put on an</p> <p>7 agenda for a commissioner's vote, correct?</p> <p>8 A. A resignation would be informational</p> <p>9 only.</p> <p>10 Q. Okay.</p> <p>11 Do commissioners not have to vote on the</p> <p>12 resignation of a union employee?</p> <p>13 A. They do not.</p> <p>14 Q. Okay.</p> <p>15 Were you made aware that Jane Doe 2 did</p> <p>16 not, in fact, wish to resign from her position?</p> <p>17 A. Yes.</p> <p>18 Q. And what, if anything, have you done</p> <p>19 regarding that?</p> <p>20 A. Well, we had meetings with her and --</p> <p>21 and with the union and we considered it job</p> <p>22 abandonment.</p> <p>23 Q. You met with Jane Doe 2 about --</p> <p>24 A. I did not. Heidi Zula did.</p>	<p style="text-align: right;">Page 122</p> <p>1 VIDEOGRAPHER: The time is now</p> <p>2 11:27 a.m. and we're back on the record.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Mr. Bender, you indicated that Jane Doe</p> <p>5 2 had some issues with getting to work on time. I</p> <p>6 believe you testified part of your understanding</p> <p>7 of that was that her daughter had some allergies</p> <p>8 and maybe it was related to that.</p> <p>9 Is that a fair recollection of your</p> <p>10 testimony?</p> <p>11 A. That was back when she was in the</p> <p>12 treasurers office, yes.</p> <p>13 Q. Okay.</p> <p>14 At that point, did you ever offer Ms. --</p> <p>15 or speak with Jane Doe 2 about FMLA intermittent</p> <p>16 leave?</p> <p>17 A. I -- I did not, no.</p> <p>18 Q. Did you ever hear Defendant Halcovage</p> <p>19 make a comment about Jane Doe 2's physical</p> <p>20 appearance?</p> <p>21 A. I have not.</p> <p>22 Q. Did you ever hear Defendant Halcovage</p> <p>23 tell Jane Doe 2 that she's a jaw dropper?</p> <p>24 A. I have not.</p>

<p>Page 123</p> <p>1 Q. Ever hear him tell her that she was 2 beautiful?</p> <p>3 A. Have not.</p> <p>4 Q. Did you ever hear Mr. Halcovage tell 5 Jane Doe 2 she's a head turner?</p> <p>6 A. Have not.</p> <p>7 Q. Or that she had the wow or it factor?</p> <p>8 A. Have not.</p> <p>9 Q. Did you ever hear Defendant Halcovage 10 say whoa or whoa, look at that, in regard to Jane 11 Doe 2's appearance?</p> <p>12 A. No.</p> <p>13 Q. Did you ever hear rumors that Defendant 14 Halcovage was having sex with Jane Doe 2?</p> <p>15 A. Repeat that, please.</p> <p>16 Q. Did you ever hear rumors that Defendant 17 Halcovage was sleeping with Jane Doe 2 or having 18 sex with Jane Doe 2?</p> <p>19 A. I heard no such rumors.</p> <p>20 Q. Did Defendant Halcovage ever tell you 21 that there were rumors that he was sleeping or 22 having sex with Jane Doe 2?</p> <p>23 A. No. That's not quite how he put it. He 24 did say that people are saying that he had Jane</p>	<p>Page 125</p> <p>1 A. I really couldn't give you a time frame. 2 I'm not sure.</p> <p>3 Q. Were you county administrator?</p> <p>4 A. Probably, yes.</p> <p>5 Q. Was it prior to May of 2020?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. 8 And prior to May of 2020, you did not 9 discuss these rumors with Jane Doe 2?</p> <p>10 A. I did not.</p> <p>11 Q. Did you ever hear Defendant Halcovage 12 tell Jane Doe 2 something along the lines of, if 13 you and I were to get together, that would be 14 something?</p> <p>15 A. No.</p> <p>16 Q. Or that, if you and I were to get 17 together, that would ruffle some feathers?</p> <p>18 A. No.</p> <p>19 Q. Did you ever hear Defendant Halcovage 20 tell Jane Doe 2, if we got together, that would 21 really piss Jane Doe 1 off?</p> <p>22 A. No.</p> <p>23 Q. Did you ever hear any other, whether 24 from Defendant Halcovage or anyone else, that</p>
<p>Page 124</p> <p>1 Doe 2 in the clock tower.</p> <p>2 Q. Did you understand that to mean that he 3 was in the clock tower -- the rumors were that he 4 was in the clock tower having sex with Jane Doe 2?</p> <p>5 A. You could make that assumption.</p> <p>6 Q. Did you make that assumption?</p> <p>7 A. No. I asked him who is saying that, who 8 is they, besides you.</p> <p>9 Q. And what was his response?</p> <p>10 A. He said some other people. He didn't 11 name them. And I said I don't think so. And I 12 said you shouldn't be repeating it.</p> <p>13 Q. Okay. 14 Did you ever ask Jane Doe 2 about these 15 rumors?</p> <p>16 A. No. But in the interview in -- in May, 17 she -- she brought that up that she was aware that 18 they were out there. But I never asked --</p> <p>19 Q. All right.</p> <p>20 A. -- out -- outside of that particular 21 day, I have never asked her about it.</p> <p>22 Q. All right. So let me just clarify. 23 When did this conversation between you 24 and Mr. Halcovage about these rumors occur?</p>	<p>Page 126</p> <p>1 Defendant Halcovage was in the clock tower with 2 any other females?</p> <p>3 A. No.</p> <p>4 Q. Were there any rumors about anyone 5 having sex in the clock tower that you had ever 6 heard?</p> <p>7 A. There was an incident that I think a 8 woman was found up there a few years ago. How she 9 got there, no one seemed to know.</p> <p>10 Q. Did it involve a sexual act of any sort?</p> <p>11 A. No. That wasn't the allegation. How 12 she got up there, no one seemed to know.</p> <p>13 Q. Okay. 14 So what was the rumor or discussion 15 about this woman being in the clock tower?</p> <p>16 A. No, it wasn't a rumor. I guess she was 17 there and the sheriff had to -- the question was, 18 how she got up there. And after that, we put 19 security locks on all the doors leading up to the 20 clock tower.</p> <p>21 Q. All right. 22 So when I -- when Defendant Halcovage 23 mentioned this rumor about him and and Jane Doe 2 24 in the clock tower, I had asked you if you took</p>

<p style="text-align: right;">Page 127</p> <p>1 that to mean that they might have been having sex</p> <p>2 in the clock tower. I think you said that could</p> <p>3 be something that could be inferred from it</p> <p>4 Is that how I understand your testimony?</p> <p>5 A. Yes.</p> <p>6 Q. Why would there be an inference that</p> <p>7 they could have been having sex in the clock</p> <p>8 tower, come from him being in the clock tower with</p> <p>9 her?</p> <p>10 A. There would be no reason for him to have</p> <p>11 her up there.</p> <p>12 Q. When this other woman was found in the</p> <p>13 clock tower, was anyone else with her?</p> <p>14 A. No.</p> <p>15 Q. Was she a county employee?</p> <p>16 A. No. I don't know that much about it.</p> <p>17 It could have -- and I don't -- people didn't</p> <p>18 really know how she got in the building. She</p> <p>19 could have been there at a night meeting and just</p> <p>20 had gone up there.</p> <p>21 Q. Do you know who this woman was?</p> <p>22 A. I do not.</p> <p>23 Q. Okay.</p> <p>24 So you don't know if she was an employee</p>	<p style="text-align: right;">Page 129</p> <p>1 hours?</p> <p>2 MS. JONES: Object to the form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: No. I heard that</p> <p>5 that was said. I was not there when it was said,</p> <p>6 however.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Okay.</p> <p>9 So you were there when Defendant</p> <p>10 Halcovage made such a comment?</p> <p>11 A. No, I was not.</p> <p>12 Q. Okay. I'm sorry.</p> <p>13 So where were you?</p> <p>14 A. Probably in my office. It came -- or</p> <p>15 maybe it was -- I had heard that and I was asked</p> <p>16 about it by -- by Attorney Scott and I said I did</p> <p>17 not hear that.</p> <p>18 MS. JONES: Okay. First of all, do</p> <p>19 not talk about what a lawyer spoke with you about,</p> <p>20 please.</p> <p>21 Move to strike the answer or claw</p> <p>22 it back.</p> <p>23 MS. SMITH: Okay.</p> <p>24 MS. JONES: I didn't expect that,</p>
<p style="text-align: right;">Page 128</p> <p>1 or a non-employee?</p> <p>2 A. Do not.</p> <p>3 Q. Do you know when this was?</p> <p>4 A. No.</p> <p>5 Q. Was it before your employment or during</p> <p>6 your employment with the county?</p> <p>7 A. Well, yes, it was during my employment.</p> <p>8 Sorry.</p> <p>9 Q. Okay. All right.</p> <p>10 Did you ever hear any county employee</p> <p>11 and/or Mr. Halcovage refer to Jane Doe 2 as one of</p> <p>12 George's girls or one of his girls?</p> <p>13 A. No.</p> <p>14 Q. Did you ever hear anyone refer to Jane</p> <p>15 Doe 2 as in George's inner-sanctum?</p> <p>16 A. No.</p> <p>17 Q. Did George -- did Defendant Halcovage</p> <p>18 ever tell you that Jane Doe 2 was in his</p> <p>19 inner-sanctum?</p> <p>20 A. No.</p> <p>21 Q. Were you ever made aware of the fact</p> <p>22 that Defendant Halcovage made a comment to Jane</p> <p>23 Doe 2's then husband along the lines of, thanks</p> <p>24 for letting me use your wife for the last four</p>	<p style="text-align: right;">Page 130</p> <p>1 so I didn't jump in there.</p> <p>2 Okay. You understand, you cannot</p> <p>3 --</p> <p>4 BY MS. SMITH:</p> <p>5 Q. So prior to May of 2020, had you heard</p> <p>6 that Defendant Halcovage had made a comment along</p> <p>7 these lines --</p> <p>8 A. No.</p> <p>9 Q. -- to Jane Doe 2's then husband?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 So you never discussed this comment</p> <p>13 being made with Defendant Roth?</p> <p>14 A. No.</p> <p>15 Q. I'm sorry. I'm just going to go back.</p> <p>16 I apologize to jump around.</p> <p>17 When Defendant Halcovage told you</p> <p>18 that -- about this rumor with the clock tower, did</p> <p>19 you report this to human resources?</p> <p>20 A. Yes.</p> <p>21 Q. Who did you report it to; do you</p> <p>22 remember who the HR director was?</p> <p>23 A. Debra Twigg.</p> <p>24 Q. Do you know if Ms. Twigg ever spoke with</p>



<p>Page 131</p> <p>1 Jane Doe 2 about it?</p> <p>2 A. I don't know.</p> <p>3 Q. Did you ever follow up with Ms. Twigg to</p> <p>4 find out if she had?</p> <p>5 A. I did not.</p> <p>6 Q. Did -- do you know if Ms. Twigg ever</p> <p>7 spoke with Defendant Halcovage about it?</p> <p>8 A. I do not.</p> <p>9 Q. Was there any type of written or verbal</p> <p>10 warning administered to Defendant Halcovage for</p> <p>11 this rumor?</p> <p>12 A. No.</p> <p>13 Q. Or his -- or his -- I should say his</p> <p>14 statements about this rumor?</p> <p>15 A. No.</p> <p>16 Q. Was Mr. Halcovage required to submit to</p> <p>17 any additional training as a result?</p> <p>18 A. No.</p> <p>19 Q. Did you ever observe Defendant Halcovage</p> <p>20 request Jane Doe 2 work and/or attend a political</p> <p>21 fundraiser or event?</p> <p>22 A. No.</p> <p>23 Q. Did you ever observe Defendant Halcovage</p> <p>24 request that Jane Doe 2 obtain campaign petition</p>	<p>Page 133</p> <p>1 A. During the investigation.</p> <p>2 Q. Okay.</p> <p>3 So after --</p> <p>4 A. After May 2020.</p> <p>5 Q. Okay.</p> <p>6 So prior to May of 2020 then, you had no</p> <p>7 knowledge that Mr. -- Defendant Halcovage had ever</p> <p>8 been to any of Jane Doe 2's residences --</p> <p>9 A. No.</p> <p>10 Q. -- or family home?</p> <p>11 A. No.</p> <p>12 Q. At any point, did you come to learn that</p> <p>13 Defendant Halcovage called and texted Jane Doe 2</p> <p>14 on her personal cell phone outside of work hours?</p> <p>15 A. No.</p> <p>16 Q. Are you -- again, at any point, so even</p> <p>17 after May of 2020?</p> <p>18 A. No. Well, as part of investigation,</p> <p>19 yes.</p> <p>20 Q. Okay.</p> <p>21 But prior to May 2020, you were not</p> <p>22 aware of that?</p> <p>23 A. Was not.</p> <p>24 Q. Were you aware or have you become aware</p>
<p>Page 132</p> <p>1 signatures for him?</p> <p>2 A. No.</p> <p>3 Q. Did you ever observe Defendant Halcovage</p> <p>4 engage in any behavior with Jane Doe 2 that made</p> <p>5 you uncomfortable?</p> <p>6 A. No.</p> <p>7 Q. Did you ever observe Defendant Halcovage</p> <p>8 engage in any behavior with Jane Doe 2 that you</p> <p>9 thought was inappropriate for the workplace?</p> <p>10 A. No.</p> <p>11 Q. Did you ever observe Defendant Halcovage</p> <p>12 make any comment to or about Jane Doe 2 that we</p> <p>13 haven't already discussed, that made you</p> <p>14 uncomfortable?</p> <p>15 A. No.</p> <p>16 Q. Did you ever observe Defendant Halcovage</p> <p>17 make any comments to or about Jane Doe 2 that</p> <p>18 you -- that we haven't already discussed that you</p> <p>19 thought were inappropriate for the workplace?</p> <p>20 A. No.</p> <p>21 Q. At any point did you learn that</p> <p>22 Defendant Halcovage has been to Jane Doe 2's</p> <p>23 pers -- personal or family home on multiple</p> <p>24 occasions?</p>	<p>Page 134</p> <p>1 of the fact that Defendant Halcovage took Jane Doe</p> <p>2 2 to a picnic where they encountered a group of</p> <p>3 male bikers?</p> <p>4 MS. JONES: Object to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: No. That's the first</p> <p>7 I'm hearing that one.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Okay.</p> <p>10 Did you ever observe Defendant Halcovage</p> <p>11 in his office alone with Jane Doe 2?</p> <p>12 A. No.</p> <p>13 Q. Did you ever observe Defendant Halcovage</p> <p>14 in any room in the courthouse alone with Jane Doe</p> <p>15 2?</p> <p>16 A. No.</p> <p>17 Q. Did you ever observe Jane Doe 2 in</p> <p>18 Defendant Halcovage's office ever?</p> <p>19 A. No.</p> <p>20 Q. Were you ever present when Defendant</p> <p>21 Halcovage would talk with another person on the</p> <p>22 phone, on speaker, and when he would not inform</p> <p>23 the other person that there were others in the</p> <p>24 room listening?</p>

<p>Page 135</p> <p>1 A. No.</p> <p>2 Q. Did you ever observe Defendant Halcavage</p> <p>3 record any telephone conversations?</p> <p>4 A. No.</p> <p>5 Q. Did you ever observe the contents of</p> <p>6 Defendant Halcavage's county-issued iPad?</p> <p>7 A. Okay. Repeat that.</p> <p>8 Q. Have you ever observed the contents --</p> <p>9 well, let's start with this: Defendant Halcavage</p> <p>10 has a county-issued iPad, correct?</p> <p>11 A. Correct.</p> <p>12 Q. All right.</p> <p>13 Do you know, is the county-issued iPad</p> <p>14 he is currently in possession of, the same one he</p> <p>15 was in possession of in May of 2020?</p> <p>16 A. I think it is.</p> <p>17 Q. Have you ever observed the contents of</p> <p>18 that iPad?</p> <p>19 A. No. What I did see on the iPad, he had</p> <p>20 a video -- of the Villanova basketball game on,</p> <p>21 the ending shot, I did see that.</p> <p>22 Q. Anything else that you observed on that</p> <p>23 iPad?</p> <p>24 A. No.</p>	<p>Page 137</p> <p>1 A. I thought you were objecting to that.</p> <p>2 MS. JONES: Well, you can't talk</p> <p>3 about what counsel told you, but you can say if</p> <p>4 you're aware of anyone who asked Halcavage for his</p> <p>5 iPad.</p> <p>6 Isn't that what you're asking,</p> <p>7 Catherine?</p> <p>8 MS. SMITH: Yes, that's what I am</p> <p>9 asking.</p> <p>10 THE WITNESS: Mr. Stan Nester,</p> <p>11 our -- our MIS director had asked for it, yes.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. So I just want to make sure I understand</p> <p>14 you correctly.</p> <p>15 Stan Nester, MIS director --</p> <p>16 A. Correct.</p> <p>17 Q. -- of the county, asked Defendant</p> <p>18 Halcavage to return the iPad?</p> <p>19 MS. JONES: Go ahead, you can</p> <p>20 answer.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. And what was Defendant Halcavage's</p> <p>24 response?</p>
<p>Page 136</p> <p>1 Q. Have you ever in your job as county</p> <p>2 administrator, requested that Halcavage return</p> <p>3 that iPad to secure the contents for purpose of --</p> <p>4 purposes of this litigation?</p> <p>5 MS. JONES: Object to the question</p> <p>6 to the extent it calls for communications with</p> <p>7 counsel.</p> <p>8 Otherwise, you can answer.</p> <p>9 MS. SMITH: I am just asking what</p> <p>10 actions he took.</p> <p>11 MS. JONES: Yeah.</p> <p>12 MS. SMITH: If he ever had</p> <p>13 Defendant Halcavage return that -- asked Defendant</p> <p>14 Halcavage to return that iPad for purposes of this</p> <p>15 litigation?</p> <p>16 MS. JONES: Same objection.</p> <p>17 But he can answer.</p> <p>18 THE WITNESS: I didn't ask him to,</p> <p>19 no.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Are you aware of anyone else that did?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 Do you know who?</p>	<p>Page 138</p> <p>1 A. I wasn't there when he asked him, but I</p> <p>2 know he had it.</p> <p>3 Q. Do you know if Stan Nester ever received</p> <p>4 the iPad back from Defendant Halcavage?</p> <p>5 A. I would think so. I don't know</p> <p>6 positively, but I'm pretty sure.</p> <p>7 Q. Have you ever followed up with Stan</p> <p>8 Nester to determine if he did receive the iPad</p> <p>9 back?</p> <p>10 A. Well, let me turn the -- Stan never came</p> <p>11 to me and said, hey, George didn't give me that</p> <p>12 yet.</p> <p>13 Q. Did you ever ask Stan if George had, in</p> <p>14 fact, given the iPad over?</p> <p>15 A. Not directly, no.</p> <p>16 Q. Okay.</p> <p>17 Are know -- I know you didn't witness or</p> <p>18 you testimony is that did not witness Defendant</p> <p>19 Halcavage record any telephone conversations, has</p> <p>20 anyone told you that they believe that he did or</p> <p>21 that they saw him do that?</p> <p>22 A. Not to me, no.</p> <p>23 Q. Have you ever heard that rumor?</p> <p>24 A. Yes.</p>

<p>Page 139</p> <p>1 Q. From who?</p> <p>2 MS. JONES: I only object to the</p> <p>3 extent it calls for communications with counsel.</p> <p>4 Otherwise, he can answer.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. So I'll limit my question to: Did</p> <p>7 any -- who -- from whom, other than any attorneys,</p> <p>8 did you hear that rumor?</p> <p>9 A. No one.</p> <p>10 Q. Okay.</p> <p>11 MS. JONES: It was a little back</p> <p>12 door, but I'll let that go.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Mr. Bender, does Defendant Halcovage</p> <p>15 have access to camera footage, either live feed,</p> <p>16 recorded of the courthouse, in any capacity, in</p> <p>17 the courthouse, office, home, on the iPad,</p> <p>18 anywhere?</p> <p>19 A. No.</p> <p>20 Q. Does your courthouse office have access</p> <p>21 to camera footage, either live or recorded of the</p> <p>22 courthouse?</p> <p>23 A. Yes.</p> <p>24 Q. All right.</p>	<p>Page 141</p> <p>1 MS. JONES: I'll object to the</p> <p>2 form.</p> <p>3 But you can answer.</p> <p>4 THE WITNESS: I cannot.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Okay.</p> <p>7 Have you ever observed Defendant</p> <p>8 Halcovage either explicitly or implicitly threaten</p> <p>9 Jane Doe 2's job?</p> <p>10 A. No.</p> <p>11 MS. SMITH: Oh, and I'm sorry, I</p> <p>12 should have put this on the record right when we</p> <p>13 started, Jane Doe 1 has joined the call. And I</p> <p>14 would like to just put on the record that</p> <p>15 Defendant Halcovage has been participating by</p> <p>16 telephone for this deposition, but has also been</p> <p>17 attending the commissioners meeting</p> <p>18 telephonically.</p> <p>19 MS. JONES: Boy, you got all the</p> <p>20 information, don't you, Catherine.</p> <p>21 MS. SMITH: I've got eyes and ears</p> <p>22 everywhere.</p> <p>23 MS. JONES: Apparently.</p> <p>24 MS. SMITH: I see Gerry turned his</p>
<p>Page 140</p> <p>1 Does Defendant Halcovage have access to</p> <p>2 your office?</p> <p>3 A. No.</p> <p>4 Q. Do you close your door every time you</p> <p>5 leave your office?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 If your office door is open -- strike</p> <p>9 that.</p> <p>10 Your office currently, and since at</p> <p>11 least May of 2020, has been situated directly</p> <p>12 across the hall from Defendant Halcovage's office</p> <p>13 in the courthouse, correct?</p> <p>14 A. Correct.</p> <p>15 Q. If your office door is open and you are</p> <p>16 not in it, it would be accessible to anyone,</p> <p>17 including -- well, I don't know about anyone, but</p> <p>18 anyone who has access to the commissioners feed</p> <p>19 would have access to your office, correct?</p> <p>20 A. That would be correct.</p> <p>21 Q. Okay.</p> <p>22 Are you able to tell me definitively</p> <p>23 that Defendant Halcovage has never accessed your</p> <p>24 office when you were not in it?</p>	<p>Page 142</p> <p>1 video. Mr. Geiger, would you --</p> <p>2 MR. GEIGER: I mean, apparently so.</p> <p>3 I'm not sure why it's relevant, but that's fine.</p> <p>4 MS. SMITH: Well, there's a</p> <p>5 confidentiality order and I don't know how Mr.</p> <p>6 Halcovage is listening to both.</p> <p>7 MR. GEIGER: He's not sharing</p> <p>8 anything on this with the -- at the commissioners</p> <p>9 meeting.</p> <p>10 MS. SMITH: Okay. Well, I just</p> <p>11 like to put that on the record in case it was on</p> <p>12 speak so that it's on record that he has been on</p> <p>13 this Zoom as a participant during that</p> <p>14 commissioners meeting.</p> <p>15 MR. GEIGER: Well, the</p> <p>16 commissioners meeting is also recorded, so you</p> <p>17 would be able to see that.</p> <p>18 MS. SMITH: Okay.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Mr. Bender, did you ever hear from</p> <p>21 anyone that Defendant Halcovage had explicitly or</p> <p>22 implicitly threatened Jane Doe 2's job?</p> <p>23 A. No.</p> <p>24 Q. Have you ever observed Defendant</p>

<p>Page 143</p> <p>1 Halcavage yell at anyone?</p> <p>2 A. I have not.</p> <p>3 Q. Have you ever observed Defendant</p> <p>4 Halcavage use profanities?</p> <p>5 A. I have not.</p> <p>6 Q. Has anyone told you that Defendant</p> <p>7 Halcavage has ever yelled at anyone?</p> <p>8 A. I can't recall anyone telling me that.</p> <p>9 Q. Do you -- did you ever become aware of</p> <p>10 the fact that Defendant Halcavage had Jane Doe 2</p> <p>11 attend a rally for President Trump around</p> <p>12 August of 2016?</p> <p>13 MS. JONES: I'll object to the</p> <p>14 form.</p> <p>15 You can answer.</p> <p>16 THE WITNESS: What sort of rally?</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Some sort of event in support of or for</p> <p>19 President Trump?</p> <p>20 A. I'm not aware of that.</p> <p>21 Q. Did you ever observe Defendant Halcavage</p> <p>22 instruct county employees, female county employees</p> <p>23 to serve him food or drinks?</p> <p>24 A. No.</p>	<p>Page 145</p> <p>1 e-mailed Jane Doe 2 I said, Jane Doe 2, it's brought</p> <p>2 to my attention that you were in the building with</p> <p>3 shredded jeans. You know that's never</p> <p>4 appropriate. I'm certain we won't have to speak</p> <p>5 of this again. And that was it.</p> <p>6 Q. Did Jane Doe 2 tell you that Defendant</p> <p>7 Halcavage, during her -- an interaction with --</p> <p>8 strike that.</p> <p>9 Did Jane Doe 2 tell you that during an</p> <p>10 interaction she had with Defendant Halcavage, that</p> <p>11 Defendant Halcavage stated, let me put my finger</p> <p>12 in one of your holes?</p> <p>13 A. Only in the interview after May 20th or</p> <p>14 whatever --</p> <p>15 Q. Okay.</p> <p>16 So when you spoke with Jane Doe 2</p> <p>17 regarding her jeans at the instruction of</p> <p>18 Defendant Halcavage regarding the jeans, she</p> <p>19 didn't bring it up then?</p> <p>20 A. No. But it was not a conversation, it</p> <p>21 was simply an e-mail. Remember I said --</p> <p>22 Q. Okay.</p> <p>23 A. -- I e-mailed Jane Doe 2.</p> <p>24 Q. Was there ever an in-person</p>
<p>Page 144</p> <p>1 Q. Did you ever see Defendant Halcavage</p> <p>2 take a picture of Jane Doe 2 without her</p> <p>3 permission?</p> <p>4 A. No.</p> <p>5 Q. Did Jane Doe 2 ever tell you that</p> <p>6 Defendant Halcavage had taken a picture of her</p> <p>7 without her permission?</p> <p>8 A. No.</p> <p>9 Q. Are you aware of any time that county</p> <p>10 commissioners sent county sheriffs to an</p> <p>11 employees' home?</p> <p>12 A. No.</p> <p>13 Q. Do you recall an incident regarding Jane</p> <p>14 Doe 2's jeans around April of 2019?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 What do you recall about it?</p> <p>18 A. I received an e-mail from Commissioner</p> <p>19 Halcavage stating that Jane Doe 2 was in the</p> <p>20 courthouse what they call -- what I call shredded</p> <p>21 jeans. I'm sure -- they're ones that look like --</p> <p>22 yeah, you would know, and he said I should address</p> <p>23 that.</p> <p>24 So it was on a Saturday, so I simply</p>	<p>Page 146</p> <p>1 conversation --</p> <p>2 A. No.</p> <p>3 Q. -- regarding the jeans?</p> <p>4 A. No.</p> <p>5 Q. Did you ever come to learn that Jane Doe</p> <p>6 2 did work for the Pennsylvania Republican caucus?</p> <p>7 A. Only after the interview in May.</p> <p>8 Q. Do you know as you sit here today, if</p> <p>9 Defendant Halcavage asked Jane Doe 2 to do that</p> <p>10 work?</p> <p>11 A. I don't -- I don't -- I can't answer</p> <p>12 that. I don't know.</p> <p>13 Q. Okay.</p> <p>14 Did you ever observe Jane Doe 2 and/or</p> <p>15 Def -- I'm sorry.</p> <p>16 Did you ever observe Jane Doe 2 and</p> <p>17 Defendant Halcavage discussing Republican caucus</p> <p>18 work?</p> <p>19 A. No.</p> <p>20 Q. Did you ever hear Defendant Halcavage</p> <p>21 make any comments about Jane Doe 2's divorce or</p> <p>22 custody matters?</p> <p>23 A. No.</p> <p>24 Q. Did you ever discuss Defendant Halcavage</p>

<p>Page 147</p> <p>1 with Jane Doe 2?</p> <p>2 A. No.</p> <p>3 Q. Did you ever discuss Jane Doe 2 with</p> <p>4 Defendant Halcovage?</p> <p>5 A. No.</p> <p>6 Q. So I think we can all remember around</p> <p>7 March of 2020, businesses began closing due to the</p> <p>8 global pandemic, COVID-19; are you aware of that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 At some point thereafter, the county</p> <p>12 furloughed some of its employee as a result of the</p> <p>13 pandemic, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Do you recall when the first employee of</p> <p>16 the county was furloughed?</p> <p>17 A. I do not.</p> <p>18 Q. In April of 2020, Jane Doe 1 and Jane</p> <p>19 Doe 2 were furloughed, correct?</p> <p>20 A. Well, I -- I don't know sitting here.</p> <p>21 If you're saying they were, I'll take your word</p> <p>22 for it. You're looking at something. It was</p> <p>23 around that time we would have done that, yes.</p> <p>24 Q. Okay.</p>	<p>Page 149</p> <p>1 it states in that letter, yes.</p> <p>2 Q. Okay.</p> <p>3 And I think it's -- they're -- I'll</p> <p>4 represent to you they're exactly the same. And</p> <p>5 that second paragraph there says, the furlough</p> <p>6 will begin on April 20, 2020.</p> <p>7 A. Okay. Yes.</p> <p>8 Q. Does that sound about right?</p> <p>9 A. Yes.</p> <p>10 Q. All right.</p> <p>11 This letter -- again, I'm going to</p> <p>12 represent to you that they're the same, so we'll</p> <p>13 just keep one up here on -- on the screen for you.</p> <p>14 It states that -- in this last sentence</p> <p>15 of that first paragraph: You are not authorized</p> <p>16 to work during the furlough without advanced</p> <p>17 written authorization from the commissioners.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. This letter also in the three -- on the</p> <p>21 list of items, it talks about unemployment and</p> <p>22 that they may be eligible, but that they need to</p> <p>23 apply for unemployment benefits, correct?</p> <p>24 A. Correct.</p>
<p>Page 148</p> <p>1 So I'll mark this just to refresh your</p> <p>2 recollection.</p> <p>3 MS. SMITH: It's going to be the</p> <p>4 stapled copy beginning of the packet, it's 102 and</p> <p>5 242. It will be 215 for today's purposes.</p> <p>6 - - -</p> <p>7 (Bates Stamped 102 and 242 marked as</p> <p>8 Exhibit-215 for identification.)</p> <p>9 - - -</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Mr. Bender, do you recognize these two</p> <p>12 letters?</p> <p>13 MS. JONES: I think he's only seen</p> <p>14 one, but, yeah, you can go ahead.</p> <p>15 THE WITNESS: Yup.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Okay.</p> <p>18 And these are both dated April 17th, one</p> <p>19 being addressed to Jane Doe 2, one being addressed</p> <p>20 Jane Doe 1, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Does this refresh your recollection as</p> <p>23 to when Jane Doe 2 and Jane Doe 1 were furloughed?</p> <p>24 A. Yeah. Would have been that -- whatever</p>	<p>Page 150</p> <p>1 Q. All right.</p> <p>2 So some county employees were</p> <p>3 furloughed -- were paid, but might have been able</p> <p>4 to receive unemployment and COVID benefits during</p> <p>5 that time; is that correct?</p> <p>6 A. That they were paid and eligible for</p> <p>7 unemployment?</p> <p>8 Q. No. They were not paid -- they were</p> <p>9 furloughed, they didn't work, and they weren't</p> <p>10 paid by the county, correct?</p> <p>11 A. Correct.</p> <p>12 Q. But they might have been -- if they</p> <p>13 applied and were eligible, they could have</p> <p>14 received unemployment and COVID pandemic benefits,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay.</p> <p>18 Between March of 2020, when the pandemic</p> <p>19 kind of started to close businesses and when the</p> <p>20 county decided to furlough some of its employees,</p> <p>21 including Jane Doe 2 and Jane Doe 1, was there</p> <p>22 uniform policies or procedures on how the offices</p> <p>23 should operate if there was a positive test or if</p> <p>24 someone was exposed to someone who had tested</p>



<p>Page 151</p> <p>1 positive?</p> <p>2 A. Yes. The C -- CDC by that time had put</p> <p>3 out guidelines, if someone had tested positive,</p> <p>4 they had to be off, I think, for ten days. And</p> <p>5 then we had to do contact tracing and if anybody</p> <p>6 had come in contact with and that was within 15</p> <p>7 minutes and -- and 6 feet, that they also had to</p> <p>8 quarantine for a period of time.</p> <p>9 Q. Okay.</p> <p>10 MS. SMITH: Matt, you can take</p> <p>11 those exhibits down.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. So, I guess, Mr. Bender, my question is</p> <p>14 between when the pandemic started and when Jane</p> <p>15 Doe 1 and Jane Doe 2 were furloughed, was the</p> <p>16 county simply just following whatever guidelines</p> <p>17 the CDC was putting out at whatever day it was</p> <p>18 that was at issue?</p> <p>19 A. Yes.</p> <p>20 Q. The county didn't issue any of its own</p> <p>21 policies or procedures related to COVID, it just</p> <p>22 that they were following the CDC guidelines?</p> <p>23 A. Well, not exactly. Daily I had HR put</p> <p>24 out every -- every day, the prime materials</p>	<p>Page 153</p> <p>1 But you can answer if you know.</p> <p>2 THE WITNESS: I am not -- I assume</p> <p>3 they did, I don't know what -- I don't know</p> <p>4 specifically what they did. But -- but schools</p> <p>5 did close. People were work -- kids were doing</p> <p>6 virtual learning.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Okay.</p> <p>9 So if a director or supervisor of a</p> <p>10 specific department had an employee who wanted to</p> <p>11 work from home as a result of the pandemic, were</p> <p>12 they permitted to allow their employees to do so?</p> <p>13 A. That would be reviewed by administration</p> <p>14 and we would have to see a demonstration of a work</p> <p>15 product.</p> <p>16 Q. Okay.</p> <p>17 So between March of 2020 and April of</p> <p>18 2020, every person who wanted to work from home as</p> <p>19 a result of the pandemic, had to go -- the request</p> <p>20 had to go through county administration?</p> <p>21 A. Yes. And we did that for children and</p> <p>22 youth agency, senior services agency, and drug and</p> <p>23 alcohol, mental health agencies. The children and</p> <p>24 youth, as you probably know, they had to visit</p>
<p>Page 152</p> <p>1 that -- that one has for any sort of flu season,</p> <p>2 wash your hands, you know, avoid contact with</p> <p>3 people, stay in your office, don't take your hands</p> <p>4 to your nose or your -- or your eyes. And every</p> <p>5 day -- and I still think that was good protocol,</p> <p>6 but that was the reminder every day.</p> <p>7 And I think we did --</p> <p>8 Q. Okay.</p> <p>9 A. -- we did allow people to eat lunch in</p> <p>10 their offices, we closed the canteen. We informed</p> <p>11 all the employees they were not to leave their</p> <p>12 office to go to another office, unless it was</p> <p>13 specifically for a business-related item, they</p> <p>14 were to conduct the business and leave</p> <p>15 immediately.</p> <p>16 Q. All right.</p> <p>17 There are multiple school districts</p> <p>18 within Schuylkill County, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know if the schools were either</p> <p>21 closed or had the children working -- attending</p> <p>22 remotely prior to the county furloughing</p> <p>23 employees?</p> <p>24 MS. JONES: Object to the form.</p>	<p>Page 154</p> <p>1 every day, so -- and so we took special</p> <p>2 precautions and some of them went from home and</p> <p>3 then came to the office to do their report to keep</p> <p>4 the office as -- as empty as we could.</p> <p>5 Q. Okay.</p> <p>6 Before March of 2020, how often would</p> <p>7 you say you visited the tax claim bureau?</p> <p>8 A. Once or twice a week perhaps.</p> <p>9 Q. And would that be the same for tax</p> <p>10 assessment office?</p> <p>11 A. No. Probably less frequently there.</p> <p>12 The tax claim office specifically deals with</p> <p>13 private sales and -- and I would visit there in</p> <p>14 the role of demolition coordinator.</p> <p>15 Q. Okay.</p> <p>16 So I guess let me rephrase my question</p> <p>17 or focus it more.</p> <p>18 Prior to March of 2020, but while you</p> <p>19 were county administrator, how often did you visit</p> <p>20 the tax claim bureau?</p> <p>21 A. Once or twice a week.</p> <p>22 Q. Okay.</p> <p>23 And still during that narrow time frame,</p> <p>24 was it still less at the tax assessment office?</p>

<p>Page 155</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. Just as a reminder, Ms. Smith, is that</p> <p>4 the responsibility for the demolition and CDBG and</p> <p>5 other programs are still mine.</p> <p>6 Q. Okay.</p> <p>7 So you maintained them when you became</p> <p>8 county administrator?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. Thank you for that clarification.</p> <p>11 Before March of 2020, how many times did</p> <p>12 you observe Defendant Halcovage in the tax claim</p> <p>13 bureau?</p> <p>14 A. I don't remember ever seeing</p> <p>15 Commissioner Halcovage in the tax claim bureau.</p> <p>16 Q. How many times did you see him in the</p> <p>17 tax assessment office prior to March of 2020?</p> <p>18 A. Perhaps once or twice, if that.</p> <p>19 Q. Okay.</p> <p>20 Now I would like to ask you some</p> <p>21 questions related to Jane Doe 3.</p> <p>22 MS. SMITH: Is everyone okay to go</p> <p>23 forward? Is everyone okay to go a little bit</p> <p>24 longer before we break for lunch. I will do Jane</p>	<p>Page 157</p> <p>1 MS. SMITH: Let's go off the record</p> <p>2 for a second.</p> <p>3 VIDEOGRAPHER: The time is now</p> <p>4 12:03 p.m. and we're going off the record.</p> <p>5 - - -</p> <p>6 (Whereupon a brief recess was held off</p> <p>7 the record due to technical difficulties.)</p> <p>8 - - -</p> <p>9 VIDEOGRAPHER: The time is now</p> <p>10 12:04 p.m., we're back on the record.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Okay.</p> <p>13 Sorry about that, Mr. Bender.</p> <p>14 Mr. Bender, what is your opinion of Jane</p> <p>15 Doe 3?</p> <p>16 A. In relation to what?</p> <p>17 Q. Generally, what's your opinion of her?</p> <p>18 A. I think she's a very knowledgeable</p> <p>19 employee at the county.</p> <p>20 Q. Any other opinion of her?</p> <p>21 A. I don't know what you're looking for. I</p> <p>22 mean, we are not social friends. We're not</p> <p>23 personal friends, we're just coworkers.</p> <p>24 Q. Do you think that -- do you have any</p>
<p>Page 156</p> <p>1 Doe 3 and then may -- maybe we'll break.</p> <p>2 MS. JONES: Are you comfortable?</p> <p>3 THE WITNESS: Yeah, I'm okay.</p> <p>4 Everybody is nodding their heads.</p> <p>5 MS. IPPOLITO: I'm fine with it.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. As it relates to Jane Doe 3, and, Mr.</p> <p>8 Bender, how did you meet Jane Doe 3?</p> <p>9 A. When she became the director of the tax</p> <p>10 claim bureau.</p> <p>11 Q. And at that time, you were not county</p> <p>12 administrator, but you still had those other</p> <p>13 responsibilities that you needed to interact with</p> <p>14 the tax claim bureau for?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 And do you remember where you met Jane</p> <p>18 Doe 3?</p> <p>19 A. Probably in the tax claim bureau in her</p> <p>20 office.</p> <p>21 Q. Do you know who introduced you or you</p> <p>22 introduced yourself?</p> <p>23 A. I probably introduced myself.</p> <p>24 Did you get my answer?</p>	<p>Page 158</p> <p>1 reason to trust her truthfulness?</p> <p>2 A. To doubt her truthfulness, no.</p> <p>3 Q. Did you ever have any issues with her</p> <p>4 job performance as tax claim director?</p> <p>5 A. No.</p> <p>6 Q. Would you say she did a -- a good job as</p> <p>7 tax claim director?</p> <p>8 A. Absolutely.</p> <p>9 MS. SMITH: All right. So I would</p> <p>10 like to look at her job description. It's going</p> <p>11 to be SC1221 through 1222.</p> <p>12 - - -</p> <p>13 (SC1221-1222 marked as Exhibit-216</p> <p>14 for identification.)</p> <p>15 - - -</p> <p>16 MS. SMITH: I believe this one is</p> <p>17 in your stack of papers. It will be 216 for</p> <p>18 today's purposes.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Do you have that document in front of</p> <p>21 you now, Mr. Bender?</p> <p>22 A. I do.</p> <p>23 Q. All right.</p> <p>24 And this is the county's job</p>

<p style="text-align: right;">Page 159</p> <p>1 classification description for the position of tax</p> <p>2 claim bureau director, correct?</p> <p>3 A. Correct.</p> <p>4 Q. All right.</p> <p>5 And it's dated on the second page,</p> <p>6 June 1994, with a revision date of March 4, 2008;</p> <p>7 is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. Great.</p> <p>10 And Jane Doe 3 became the tax claim</p> <p>11 director after -- she was already the tax claim</p> <p>12 director when you became county administrator,</p> <p>13 correct?</p> <p>14 A. That is correct.</p> <p>15 Q. All right.</p> <p>16 Do you remember -- but she became the</p> <p>17 tax claim director during -- after you were</p> <p>18 already employed by the county, correct?</p> <p>19 A. Correct.</p> <p>20 Q. All right.</p> <p>21 And then at some point, Jane Doe 3 took</p> <p>22 on a -- what I'll call a dual role of tax claim</p> <p>23 director and chief assessor, correct?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 161</p> <p>1 until she became the dual role, which was in July</p> <p>2 of 2019, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 For -- for that time period, did you</p> <p>6 have any -- is there anything in this job</p> <p>7 classification description that you believe Jane</p> <p>8 Doe 3 was not qualified to perform?</p> <p>9 A. No.</p> <p>10 Q. For that same time period, is there</p> <p>11 anything in this job classification description</p> <p>12 that Ms. -- Jane Doe 3 did not do, that you're</p> <p>13 aware of?</p> <p>14 A. No, not that I'm aware of.</p> <p>15 Q. Okay.</p> <p>16 And during that same time period, did</p> <p>17 anyone bring to your attention that Jane Doe 3 did</p> <p>18 not complete the essential job duties and</p> <p>19 responsibilities listed in this job description?</p> <p>20 A. No.</p> <p>21 Q. Okay. You can put that one aside.</p> <p>22 And if I can turn your attention to</p> <p>23 previously marked Exhibit-46.</p> <p>24 (Previously marked Exhibit-46)</p>
<p style="text-align: right;">Page 160</p> <p>1 Q. And there is a job description for her</p> <p>2 dual role; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 So from the time Jane Doe 3 became the</p> <p>6 tax claim director until she took on the dual</p> <p>7 role, this was Jane Doe 3's job classification</p> <p>8 description, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And then in March of 2021, the offices</p> <p>11 were restructured, I think is the word that was</p> <p>12 used, and Jane Doe 3 stopped holding the position</p> <p>13 of chief assessor and became just tax claim bureau</p> <p>14 director again, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay.</p> <p>17 So then since March of 2021, this again</p> <p>18 is Jane Doe 3's job classification description,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. All right.</p> <p>22 So there's -- I'm going to kind of refer</p> <p>23 to them as Stint 1 and Stint 2. So Stint 1, her</p> <p>24 first time being just tax claim bureau director</p>	<p style="text-align: right;">Page 162</p> <p>1 BY MS. SMITH:</p> <p>2 Q. This is the PAR for Jane Doe 3's</p> <p>3 promotion from tax claim director to that dual</p> <p>4 role of director and chief assessor, correct?</p> <p>5 A. Correct.</p> <p>6 Q. This is the one to promote her to the --</p> <p>7 the interim position that we kind of -- kind of</p> <p>8 the training position that we talked about</p> <p>9 earlier, correct?</p> <p>10 A. Yes.</p> <p>11 Q. So I want to talk about May 2019 or</p> <p>12 roughly thereabouts.</p> <p>13 How did the idea come about, if you</p> <p>14 know, to combine the tax assessment office and the</p> <p>15 tax claim bureau?</p> <p>16 A. Well, those discussions, if they were</p> <p>17 held, did not include me because at the time,</p> <p>18 Debra Twigg and I were working on the chief</p> <p>19 assessor job description and the assistant chief</p> <p>20 assessor job description, so we were prepared to</p> <p>21 put those out and advertise them for posting for</p> <p>22 jobs. So at the last minute, Commissioner</p> <p>23 Halcovage came in and -- and this idea of</p> <p>24 combining the offices was brought up. We have</p>

<p>Page 163</p> <p>1 tried that in the past, I didn't agree with it.</p> <p>2 Frank Stottlemeyer didn't agree with it. Gary Hess</p> <p>3 didn't agree with it, but on it went.</p> <p>4 Q. Okay. So let me just unpack that a</p> <p>5 little, make sure I understand your testimony.</p> <p>6 So the chief assessor around May of 2019</p> <p>7 was Virginia Murray, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Ms. Murray notified the county that she</p> <p>10 intends to retire and -- and, therefore, the</p> <p>11 county is going to need to fill her position,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. And I think as I understand your</p> <p>15 testimony, correct me if I'm wrong, as a result of</p> <p>16 learning that Ms. Murray plans to retire, you and</p> <p>17 Ms. Twigg start to look at the job description and</p> <p>18 get the position ready for posting?</p> <p>19 A. Correct. And we wanted to hire an</p> <p>20 assistant chief assessor. As I mentioned earlier,</p> <p>21 there was not a chief -- assistant chief assessor</p> <p>22 in the office at that time, so we were looking at</p> <p>23 a new job description.</p> <p>24 Q. Okay.</p>	<p>Page 165</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. So in the process when you -- you and</p> <p>3 Ms. Twigg are starting to get the posting ready,</p> <p>4 as I understand your testimony, Defendant</p> <p>5 Halcovage comes to you and says, you know, I think</p> <p>6 we should combine the tax claim bureau and the tax</p> <p>7 assessment office?</p> <p>8 A. Yes. Apparently he had some discussions</p> <p>9 with Jane Doe 3 prior to that.</p> <p>10 Q. And Defendant Halcovage told you the</p> <p>11 same, that he had had conversations with Jane Doe</p> <p>12 3 about it?</p> <p>13 A. He did not, but apparently he did</p> <p>14 because that's -- that's what he was proposing.</p> <p>15 Q. Okay.</p> <p>16 So you just assumed that he had had</p> <p>17 conversations with her?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 And he was proposing that when the</p> <p>21 offices were combined, that Jane Doe 3 oversee</p> <p>22 those two offices, correct?</p> <p>23 A. Correct.</p> <p>24 MR. GEIGER: He didn't say that</p>
<p>Page 164</p> <p>1 And was that idea floated as a result of</p> <p>2 something Ms. Murray told you, that the office</p> <p>3 needed more assistance, something that you</p> <p>4 observed, or -- or -- how -- why did the decision</p> <p>5 to potentially get an assistant chief assessor</p> <p>6 come about?</p> <p>7 A. Well. We knew we were going to have to</p> <p>8 replace the chief assessor and we really liked the</p> <p>9 idea of an assistant chief assessor, when the</p> <p>10 other person is not there. So it was something, I</p> <p>11 guess, that was in -- that was utilized in the</p> <p>12 past, maybe Helene O'Connell had held that. I'm</p> <p>13 not too sure, Ms. Smith, but I know it's something</p> <p>14 we worked on and we were anticipating soliciting</p> <p>15 applicants.</p> <p>16 Q. Okay.</p> <p>17 Did you at any point during your</p> <p>18 employment with the county, have any issues or</p> <p>19 concerns with Ms. Murray's job performance as</p> <p>20 chief assessor?</p> <p>21 A. No.</p> <p>22 Q. Did you ever learn that anyone had any</p> <p>23 issues or concerns with her job performance as</p> <p>24 chief assessor?</p>	<p>Page 166</p> <p>1 earlier.</p> <p>2 MS. SMITH: What's that? I'm</p> <p>3 sorry. I don't know who just spoke.</p> <p>4 THE WITNESS: I don't know either.</p> <p>5 MS. JONES: I think it was Jerry.</p> <p>6 THE TECHNICIAN: It was Mr. Geiger,</p> <p>7 Counsel.</p> <p>8 MS. SMITH: I thought it was too,</p> <p>9 but I don't know if it was an objection or what.</p> <p>10 MR. GEIGER: No. No. It was not</p> <p>11 an objection. I'm sorry. I was not on mute. I</p> <p>12 was talking to someone in my room.</p> <p>13 MS. SMITH: Okay. So I just wanted</p> <p>14 to make sure it wasn't for us.</p> <p>15 MR. GEIGER: Sorry about that.</p> <p>16 MS. SMITH: No worries.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Okay.</p> <p>19 So when Defendant Halcovage floated the</p> <p>20 idea or it was discussed about combining these two</p> <p>21 offices and Jane Doe 3 overseeing it, did you have</p> <p>22 any concern as to Jane Doe 3's ability or the</p> <p>23 selection of Jane Doe 3 to be the one who oversee</p> <p>24 the two offices?</p>



<p style="text-align: right;">Page 167</p> <p>1 A. If we were going to combine the two</p> <p>2 offices, that would be an appropriate person to</p> <p>3 hire. I was not in favor of combining the</p> <p>4 offices.</p> <p>5 Q. Okay.</p> <p>6 Why were you not in favor of combining</p> <p>7 the two offices?</p> <p>8 A. Because, as I had discussed, that had</p> <p>9 been tried before. It didn't really work out.</p> <p>10 Although there's similarities in there, the two</p> <p>11 very basic functions, they bring in the money to</p> <p>12 the county, they are very important offices. I</p> <p>13 just -- we thought it was important to have just</p> <p>14 one.</p> <p>15 It was combined at one point in time</p> <p>16 with -- I think with Darlene Delzoni that was</p> <p>17 there, but Ginny Murray basically ran one side,</p> <p>18 and -- and so it wasn't the fact it was combined</p> <p>19 in a sense. So I just didn't think it was good</p> <p>20 policy for the county.</p> <p>21 Q. Okay.</p> <p>22 When this prior attempt at combining the</p> <p>23 offices had been attempted, were you employed by</p> <p>24 the county?</p>	<p style="text-align: right;">Page 169</p> <p>1 indicated that it's worth a shot. Jane Doe 3 was</p> <p>2 a good tax claim director. There's no doubt about</p> <p>3 it. She was willing to get her CPE. She was</p> <p>4 willing to take it on, so it went on the agenda</p> <p>5 and was -- was passed.</p> <p>6 Q. Okay.</p> <p>7 So if we look -- you should still have,</p> <p>8 I believe, 47 in front of you, correct?</p> <p>9 A. Yup. Yes. Yes, ma'am.</p> <p>10 Q. Forty-seven, this is the PAR for Jane</p> <p>11 Doe 3.</p> <p>12 Okay.</p> <p>13 You now have 47, which I think is 411 in</p> <p>14 front of you.</p> <p>15 And this is the PAR for Jane Doe 3's</p> <p>16 interim position ending and her becoming chief</p> <p>17 assessor. If you look back at 46, it's about one</p> <p>18 month later. So she was interim for about one</p> <p>19 month; would you agree?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 During that one month, during -- when</p> <p>23 Jane Doe 3 held the interim positions, did you</p> <p>24 have any issues or concerns with her work</p>
<p style="text-align: right;">Page 168</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 So the success or failure of the offices</p> <p>4 being combined, your knowledge of that was simply</p> <p>5 from -- from others, correct?</p> <p>6 A. From Commissioner Stottlemeyer, yes.</p> <p>7 Q. Okay.</p> <p>8 And I think you testified, Commissioner</p> <p>9 Stottlemeyer and Commissioner Hess, who in March --</p> <p>10 I'm sorry -- May of 2019, were the two other</p> <p>11 commissioners, they were not favor of this -- the</p> <p>12 combining of either -- of the offices, correct?</p> <p>13 A. Yes. They didn't think it was a good</p> <p>14 idea either.</p> <p>15 Q. Okay.</p> <p>16 But Defendant Halcovage was in -- in</p> <p>17 favor of it?</p> <p>18 A. Yes. And apparently convinced them</p> <p>19 to -- to give it a try.</p> <p>20 Q. Okay.</p> <p>21 Do you know how Defendant Halcovage</p> <p>22 convinced them to give it a try?</p> <p>23 A. Commissioner -- they probably sat down</p> <p>24 and talked it out and -- and George probably</p>	<p style="text-align: right;">Page 170</p> <p>1 performance?</p> <p>2 A. No.</p> <p>3 Q. Did anyone raise any concerns or issues</p> <p>4 to you regarding her work performance?</p> <p>5 A. No.</p> <p>6 MS. SMITH: Going to look at what</p> <p>7 should be in the stack, it's 1223 to 1224, it</p> <p>8 should be towards the back. I'll mark it as 217</p> <p>9 for today's purposes.</p> <p>10 - - -</p> <p>11 (Bates Stamped 1223-1224 marked as</p> <p>12 Exhibit-217for identification.)</p> <p>13 - - -</p> <p>14 THE WITNESS: Okay. I have it in</p> <p>15 front of me.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Okay.</p> <p>18 This is the county's job classification</p> <p>19 description for Jane Doe 3's dual role as chief</p> <p>20 assessor and director of tax claim, correct?</p> <p>21 A. Correct.</p> <p>22 Q. If we turn to the second page, it's</p> <p>23 dated May of 2019, correct?</p> <p>24 A. That is correct.</p>



<p>Page 171</p> <p>1 Q. All right.</p> <p>2 And that was when Jane Doe 3 took on</p> <p>3 that dual role and offices were combined?</p> <p>4 A. Yes. On -- on -- the effective date I</p> <p>5 think was July 8th.</p> <p>6 Q. Right.</p> <p>7 July 8th was when she became -- when the</p> <p>8 interim position ended, but May 23rd, if we look</p> <p>9 at 46, is when she was interim, correct?</p> <p>10 A. Oh, yeah. Okay. Yes.</p> <p>11 Q. So when the offices were combined, the</p> <p>12 county had to draft a dual role description and</p> <p>13 this was what was drafted, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Do you know who drafted this?</p> <p>16 A. It would have been --</p> <p>17 Q. And when I say this, I'm referring to</p> <p>18 Exhibit-217.</p> <p>19 A. It would have been Ms. Twigg.</p> <p>20 Q. Okay.</p> <p>21 Were you involved in it at all?</p> <p>22 A. We probably discussed it, yes.</p> <p>23 Q. And given that you were already managing</p> <p>24 the tax claim director and the chief assessor in</p>	<p>Page 173</p> <p>1 MS. JONES: Got it.</p> <p>2 MS. SMITH: All rightly.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. This is the county's job classification</p> <p>5 description for the position of chief assessor,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And on the second page it's dated</p> <p>9 November 2016; do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Any reason to believe that this job</p> <p>12 description has been updated since then?</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. So this is the county's job</p> <p>15 classification for the position of chief assessor</p> <p>16 currently, correct?</p> <p>17 A. Correct.</p> <p>18 Q. On the first page under education and</p> <p>19 employment, it states: Must have a certif --</p> <p>20 certified evaluators license, certified</p> <p>21 Pennsylvania evaluators license.</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. This is oft -- often also referred to as</p>
<p>Page 172</p> <p>1 your role as county administrator, the dual role</p> <p>2 continued to report to you as well as we see on</p> <p>3 Page 2, correct?</p> <p>4 A. Yes.</p> <p>5 MS. JONES: Object to the form.</p> <p>6 You can answer.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Is there anything in this job</p> <p>9 classification description that you believe Jane</p> <p>10 Doe 3 was not qualified to perform between May of</p> <p>11 2019 and May of 2020?</p> <p>12 A. No.</p> <p>13 Q. From May of 2019 until May of 2020, is</p> <p>14 there anything in this job description that you're</p> <p>15 aware that Jane Doe 3 did not do?</p> <p>16 A. I'm not aware of anything, no.</p> <p>17 Q. Did anyone bring to your attention that</p> <p>18 Jane Doe 3 did not complete the essential job</p> <p>19 duties and responsibilities listed in this job</p> <p>20 description between May of 2019 and May of 2020?</p> <p>21 A. They did not.</p> <p>22 MS. SMITH: All right. We are</p> <p>23 going to look at previously marked Exhibit-158.</p> <p>24 (Previously marked Exhibit-158.)</p>	<p>Page 174</p> <p>1 a CPE license, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And is this -- you know, is this</p> <p>4 requirement because of the 2016, consolidated</p> <p>5 statute Title 53, which requires all chief</p> <p>6 assessors for Pennsylvania Counties to hold a</p> <p>7 valid CPE license?</p> <p>8 MS. JONES: Object to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: I would think so,</p> <p>11 yes.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Are you aware that -- that there's a</p> <p>14 Pennsylvania statute that requires any county</p> <p>15 assessors, chief assessors to hold a CPE license?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Did you ever hear Defendant Halcovage</p> <p>19 make a comment about Jane Doe 3's physical</p> <p>20 appearance?</p> <p>21 A. I have not.</p> <p>22 Q. Did you ever hear Defendant Halcovage</p> <p>23 tell Jane Doe 3 that Jim McNulty thinks she is</p> <p>24 really good looking or words to that effect?</p>

<p>Page 175</p> <p>1 A. I have not.</p> <p>2 Q. Did Defendant Roth ever discuss with you</p> <p>3 any concerns or issues Jane Doe 3 brought to his</p> <p>4 attention about Defendant Halcovage?</p> <p>5 MS. JONES: Object to the form, to</p> <p>6 the extent it would call for privileged</p> <p>7 communication with counsel.</p> <p>8 But, otherwise, you can answer.</p> <p>9 THE WITNESS: He has not.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Did Jane Doe 3 ever discuss Defendant</p> <p>12 Halcovage's behavior or comments with you?</p> <p>13 A. Discuss, no. There was a time when Jane</p> <p>14 Doe 3 -- Jane Doe 3 was in my office, we were</p> <p>15 talking about -- it could have been before tax</p> <p>16 claim and the tax -- I'm not sure when it was.</p> <p>17 But Commissioner Halcovage had come in and said</p> <p>18 something about people saying that -- that some --</p> <p>19 and he and somebody else were dating. And Jane</p> <p>20 Doe 3 just laughed it off and -- like we always</p> <p>21 did.</p> <p>22 And when we left, I said to Jane Doe 3,</p> <p>23 you know, some day he's going to say that in front</p> <p>24 of the wrong person and she just laughed and</p>	<p>Page 177</p> <p>1 A. Yes. Yes. Yes. Yes.</p> <p>2 Q. Okay.</p> <p>3 And you and Jane Doe 3 are in your</p> <p>4 office discussing work-related topics, I imagine?</p> <p>5 A. Correct.</p> <p>6 Q. And Defendant Halcovage comes into your</p> <p>7 office and says something about him dating someone</p> <p>8 or rumors of you dating someone.</p> <p>9 Is that what I understand?</p> <p>10 A. Yes. I can't remember the whole text of</p> <p>11 the conversation, but it was -- it was like that.</p> <p>12 Q. Do you remember who the person he was --</p> <p>13 A. No.</p> <p>14 Q. -- rumored to be dating was?</p> <p>15 Do you remember who the rumor was -- who</p> <p>16 the person he was rumored to be dating was?</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 And did you say anything to Defendant</p> <p>20 Halcovage, that he should be careful who he said</p> <p>21 something to?</p> <p>22 A. I don't recall if I said it that</p> <p>23 particular day.</p> <p>24 Q. Okay.</p>
<p>Page 176</p> <p>1 agreed. So my assumption was that she was not</p> <p>2 that person.</p> <p>3 Q. Okay.</p> <p>4 Let me just --</p> <p>5 MS. SMITH: And, Matt, you can take</p> <p>6 the exhibit down. Thank you.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Let me just make sure I understand what</p> <p>9 you were -- were just testifying to.</p> <p>10 So there was a time that you and Jane</p> <p>11 Doe 3 were in your office. Is this in the same</p> <p>12 office that you currently --</p> <p>13 A. Correct.</p> <p>14 Q. -- sit in?</p> <p>15 Okay.</p> <p>16 But you're not -- but you're not sure if</p> <p>17 it was when you were county administrator or do</p> <p>18 you know?</p> <p>19 A. I would be willing to bet that I was,</p> <p>20 yes.</p> <p>21 Q. Okay.</p> <p>22 So some time after September of --</p> <p>23 A. Yes.</p> <p>24 Q. -- 2016?</p>	<p>Page 178</p> <p>1 So you -- you don't know if you said</p> <p>2 anything there during that conversation about that</p> <p>3 he should be careful of what he says or to whom he</p> <p>4 says anything?</p> <p>5 A. No. He left and Jane Doe 3 and I</p> <p>6 continued our conversation.</p> <p>7 Q. Okay.</p> <p>8 And during that conversation with Jane</p> <p>9 Doe 3, you said to her something along the lines</p> <p>10 of that Defendant Halcovage might say something</p> <p>11 wrong to the wrong person?</p> <p>12 A. Yes.</p> <p>13 Q. Did -- did you because say that because</p> <p>14 you believed whatever conversation he just had</p> <p>15 with you was inappropriate for the workplace or</p> <p>16 could be inappropriate for the workplace?</p> <p>17 A. Yes.</p> <p>18 Q. Did you ever report this potentially</p> <p>19 inappropriate conversation to human resources?</p> <p>20 A. Ms. Twigg and I would have discussed it</p> <p>21 at our daily meeting.</p> <p>22 Q. Okay.</p> <p>23 Are you sure that you discussed it with</p> <p>24 Jane Doe 3?</p>

<p>Page 179</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. Yes.</p> <p>4 Q. So this conversation had to have</p> <p>5 occurred after Ms. Twigg was employed by the</p> <p>6 county?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 So let's just -- I want to establish</p> <p>10 something. When you became county administrator,</p> <p>11 Ms. Twigg was not the HR director, right?</p> <p>12 A. That is correct.</p> <p>13 Q. There was a period of about two years or</p> <p>14 maybe just -- just under two years that Martina</p> <p>15 Chaswiak was the HR director when you were county</p> <p>16 administrator, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay.</p> <p>19 Do you know if Ms. Twigg discussed this</p> <p>20 conversation that Defendant Halcovage had with you</p> <p>21 with Defendant Halcovage?</p> <p>22 A. I don't know. I'm not aware of that.</p> <p>23 Q. Did you ever follow up with Ms. Twigg to</p> <p>24 see if she addressed it with Defendant Halcovage?</p> <p>Page 180</p> <p>1 A. I did not.</p> <p>2 Q. But I think you testified that you</p> <p>3 believe that you may have at some point, discussed</p> <p>4 it with Defendant Halcovage?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 And -- and do you recall what the</p> <p>8 conversation was, what you said to him, what he</p> <p>9 said to you?</p> <p>10 A. Would've said, you shouldn't say things</p> <p>11 like that.</p> <p>12 Q. Do you know if the person he was rumored</p> <p>13 to be dating was a county employee?</p> <p>14 A. No. I think you misconstrued what I was</p> <p>15 saying. And he would say, oh, getting friendly</p> <p>16 with someone, oh, people are going to start saying</p> <p>17 we're dating because we've been friendly. And it</p> <p>18 doesn't --</p> <p>19 Q. Okay.</p> <p>20 A. Maybe not referring to anybody in</p> <p>21 particular, no. He wasn't saying he was dating</p> <p>22 someone. He said, people are going to say we are</p> <p>23 dating.</p> <p>24 Q. Okay.</p>	<p>Page 181</p> <p>1 When you -- so -- I appreciate you</p> <p>2 clarifying that. Now I'm just going to try and</p> <p>3 clarify, make sure I do understand what you were</p> <p>4 saying what happened.</p> <p>5 So Defendant Halcovage was saying maybe</p> <p>6 something along the lines of, there was</p> <p>7 interaction between him and another person that</p> <p>8 may cause others to start thinking he was dating</p> <p>9 that person?</p> <p>10 A. I don't know how to answer that.</p> <p>11 Q. Okay.</p> <p>12 A. I know. I know.</p> <p>13 Q. So Defendant Halcovage wasn't saying</p> <p>14 that there was rumors that he was dating someone,</p> <p>15 but that there was rumors that something occurred</p> <p>16 that might have caused people to think he was</p> <p>17 dating someone?</p> <p>18 A. Correct. Yeah.</p> <p>19 Q. Okay.</p> <p>20 A. I would agree.</p> <p>21 Q. Okay.</p> <p>22 So do you recall during this</p> <p>23 conversation of Defendant -- that Defendant</p> <p>24 Halcovage had in your office where Jane Doe 3 was</p> <p>Page 182</p> <p>1 present, did he mention a specific individual by</p> <p>2 name?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 Did you ask him if he was referring to a</p> <p>6 specific individual?</p> <p>7 A. No.</p> <p>8 Q. Did you ever hear Defendant Halcovage</p> <p>9 make a comment about someone parking, referring to</p> <p>10 engaging in a sexual act in a car with another?</p> <p>11 A. Well, yes -- yes and no. I mean, what</p> <p>12 he would say sometimes if I were leaving and me</p> <p>13 and I were leaving, he'd say, oh, you guys going</p> <p>14 parking. What you assume from that is -- is up to</p> <p>15 you, but, yes.</p> <p>16 Q. Okay.</p> <p>17 Well, I would like to know what you</p> <p>18 assumed from it. What did think Defendant</p> <p>19 Halcovage meant when he asked if you and your wife</p> <p>20 were going parking?</p> <p>21 A. Personally, I thought it was just a</p> <p>22 silly statement. My wife wasn't insulted by it.</p> <p>23 I wasn't insulted by it.</p> <p>24 Q. Well, I appreciate that you weren't</p>
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<p style="text-align: right;">Page 183</p> <p>1 insulted by it, but I'd like to know what you 2 thought he meant by the word parking. Did you 3 think he meant that you and your wife were just 4 going to park your car somewhere or did you think 5 he was implying that you and your wife were going 6 to kiss or engage in some sort of sexual act in 7 your car while it was parked? 8 A. Yeah, we're well in our 60s, so I didn't 9 think he was thinking that. I -- I'm not sure 10 what he was thinking. He said it. It's just 11 something he said and we didn't think anything of 12 it. 13 Q. Okay. 14 Did you ever hear Defendant Halcovage 15 ask Jane Doe 3 if she and her husband were 16 parking? 17 A. I have not. 18 Q. Did you ever hear Defendant Halcovage 19 ask Jane Doe 3, what's all over your lips, after 20 she return from lunch with her husband? 21 A. I have not. 22 Q. Did you ever observe Defendant Halcovage 23 engage in any conduct that disrupted the 24 operations of the tax claim bureau?</p>	<p style="text-align: right;">Page 185</p> <p>1 A. No. I know he was unhappy because she 2 wanted a particular person in her job and she went 3 to Frank Stottlemeyer instead because George didn't 4 give her an answer. And that's -- 5 Q. Did -- I'm sorry. 6 A. I would do the same thing. I would do 7 the same thing. If you -- if you don't get an 8 answer from -- from one commissioner, you want to 9 bring it -- you want to make sure it's discussed. 10 Q. So you -- when you said I would have 11 done the same thing, you would have done the same 12 thing that Jane Doe 3 had done? 13 A. Yes. 14 Q. Okay. I just wanted to make the record 15 clear. Thank you. 16 When you heard this issue that Jane Doe 17 3 didn't get a response from Defendant Halcovage, 18 went to another commissioner, and Commissioner 19 Halcovage was not happy about it, did you hear 20 Defendant Halcovage ever say something like Jane 21 Doe 3 is not loyal or questioning her loyalty? 22 A. No. 23 Q. Did you ever hear Defendant Halcovage 24 tell a joke that included Hillary Clinton or</p>
<p style="text-align: right;">Page 184</p> <p>1 A. No. 2 Q. Ever observe Defendant Halcovage engage 3 in conduct that disrupted the operations of the 4 tax assessment office? 5 A. No. 6 Q. Did Jane Doe 3 ever raise concerns about 7 Defendant Halcovage's conduct, disrupting either 8 of those offices? 9 A. No. 10 Q. Did you ever hear Defendant Halcovage 11 comment about refusing to talk with or him not 12 talking with Jane Doe 3? 13 A. I mean, I think that came out of the 14 investigation, there was a period of time he 15 didn't talk with her. 16 Q. Okay. 17 But before the investigation, did you 18 ever hear him say, I'm not talking with her or I 19 refuse to talk with her or anything along those 20 lines? 21 A. He never said that specifically, no. 22 Q. Did you -- prior to the investigation, 23 did you know that Defendant Halcovage was not 24 speaking with Jane Doe 3 for any reason?</p>	<p style="text-align: right;">Page 186</p> <p>1 someone who looked like her and a reference to 2 oral sex? 3 A. No. 4 Q. Did you ever hear Defendant Halcovage 5 comment that Jane Doe 3 liked sex? 6 A. No. 7 Q. Did you ever observe Defendant Halcovage 8 request that Jane Doe 3 obtain campaign petition 9 signatures for him? 10 A. No. 11 Q. Were you county administrator when Jane 12 Doe 3 and Jane Doe 4 were assigned parking spaces 13 at the courthouse? And I'm talking about their 14 initial assignment, because I know they've been 15 moved and -- and things like that. Their initial 16 assignment? 17 A. I would say no for Jane Doe 3 because 18 she started in 2011. She probably would have had 19 a spot around that time, that would have Mark 20 Scarbinsky. I did assign a spot to Jane Doe 4 and 21 I'm not sure if that was before I was the 22 administrator or -- or after. 23 Q. Okay. 24 But at some point in your employment</p>



<p>Page 187</p> <p>1 with the county, you became capable of assigning 2 parking spots, correct? 3 A. Correct. 4 Q. Sounds like based on your testimony, 5 that it might have been even before you were 6 county administrator; is that correct? 7 A. It could have been. I would -- just 8 would have gone to Mark Scarbinsky and said, 9 here's what I'd like to do. 10 Q. Okay. 11 Do you know, was Defendant Halcovage 12 involved in parking -- the parking assignment 13 spots for Jane Doe 3 or Jane Doe 4 at any point? 14 A. No. The spot for Jane Doe 4 was -- is 15 an odd one. There was -- can I digress a little 16 bit? 17 Q. Sure. Go ahead. Yeah. 18 A. Okay. David Benolis was in the MIS 19 department and said that Jane Doe 4 goes home for 20 work every day. Sometimes when she gets back, she 21 can't get a spot. Is there any way I can get her 22 a parking place. And one day on opened up and I 23 said to Jane Doe 4, Jane Doe 4, I heard that you 24 have a hard time getting a spot when you come back</p>	<p>Page 189</p> <p>1 MS. SMITH: All right. And just 2 for the record right now, for the plaintiffs we 3 have myself, Plaintiff Doe 3 and 4, Jane Doe 3 and 4 Jane Doe 4, and then from my office my paralegal 5 Alyssa DeBise. If Doe 1 or 2 should join, I will 6 put them on the record. They are not on right 7 now. 8 BY MS. SMITH: 9 Q. All right. 10 Mr. Bender, so now I want to move to 11 Jane Doe 4. How did -- how did you meet Jane Doe 12 4? 13 A. I guess in her office, probably not too 14 long after I took over the demolition program. 15 She was in tax claim office. 16 Q. Okay. 17 And she was not the assistant director, 18 she was just a tax claim employee at that point, 19 correct? 20 A. Correct. 21 Q. And did you meet her in connection with 22 your work with the county and the subsequent work 23 that you did with the tax claim office in that 24 role?</p>
<p>Page 188</p> <p>1 to work, would you like this spot. 2 Q. Okay. 3 A. And that's -- that's how it happened. 4 Sorry. It was a long-winded answer, but that's 5 the answer. 6 Q. It's okay. I appreciate that. 7 All right. So I'll get to some of the 8 later parking spot moves. 9 A. Okay. 10 Q. Trying -- trying to go in chronological 11 order here. So I'll get to May 2020 and 12 thereafter at a later time, so we'll talk about 13 that. 14 MS. SMITH: All right. So this is 15 probably a good breaking point for lunch if we can 16 go off the record. 17 VIDEOGRAPHER: The time is now 18 12:36 p.m. and we're going off the record. 19 - - - 20 (Whereupon, a luncheon recess was held 21 off the record.) 22 - - - 23 VIDEOGRAPHER: The time is now 24 1:25 p.m. and we're back on the record.</p>	<p>Page 190</p> <p>1 A. Probably, yes. 2 Q. Okay. 3 Did you know Jane Doe 4 before your 4 employment with the county? 5 A. No. 6 Q. What is your opinion of Jane Doe 4? 7 A. She's a capable employee. I think she's 8 bright. 9 Q. Would you say she's a hard worker? 10 A. I would. 11 Q. Any reason to trust her truthfulness or 12 honesty? 13 A. I would say probably not. 14 Q. I should have asked you this first, I'm 15 sorry to jump around. 16 During the break, did you discuss your 17 deposition testimony at all with your attorney? 18 A. I was scolded repeatedly for answering 19 before you're finished your question. So I feel a 20 little intimidated right now because I'm trying so 21 hard not to do that, Ms. Smith, I really am and 22 I'll try to do better. 23 Q. Understood. I appreciate that. 24 A. Other than that -- other than that, no.</p>



<p>Page 191</p> <p>1 Q. Okay. Thank you.</p> <p>2 And Jane Doe 4, before you became county</p> <p>3 administrator, she became the assistant director</p> <p>4 of tax claim, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Did you have any input or did you</p> <p>7 participate at all in the decision to have Jane</p> <p>8 Doe 4 become the assistant tax claim director?</p> <p>9 A. I did not.</p> <p>10 Q. And Jane Doe 4, for a period of time</p> <p>11 after you became the administrator, which I think</p> <p>12 we established was in September 2016, until about</p> <p>13 2019, Jane Doe 4 was just the assistant tax claim</p> <p>14 director, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And then in 2019, when the offices were</p> <p>17 combined, which we talked about earlier, Jane Doe</p> <p>18 4 took on a dual role of assistant tax claim</p> <p>19 director and assistant or deputy chief -- deputy</p> <p>20 assessor, correct?</p> <p>21 A. Correct.</p> <p>22 MS. SMITH: I'd like to mark for</p> <p>23 today's purposes as 218. It's going to be 1215 to</p> <p>24 1216. It should be in that stack of papers. It's</p>	<p>Page 193</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. From the time you became county</p> <p>4 administrator, actually -- I'm sorry -- because</p> <p>5 Ms. -- Jane Doe 4 was already an assistant</p> <p>6 director when you became county administrator. So</p> <p>7 when you became county administrator until May of</p> <p>8 2020, can you tell me, was there anything in this</p> <p>9 job classification description that you believe</p> <p>10 Jane Doe 4 was not qualified to perform?</p> <p>11 A. No.</p> <p>12 Q. For the same time period, so</p> <p>13 September 2016 to May 2020, is there anything in</p> <p>14 this job classification description that you are</p> <p>15 aware that Jane Doe 4 did not do?</p> <p>16 A. No.</p> <p>17 Q. And, again, for that same time period,</p> <p>18 did anyone bring to your attention that Jane Doe 4</p> <p>19 did not complete the essential job duties and</p> <p>20 responsibilities listed in this job classification</p> <p>21 description?</p> <p>22 A. No.</p> <p>23 Q. Would you say in your opinion, Jane Doe</p> <p>24 4 was a good assistant director for the tax claim</p>
<p>Page 192</p> <p>1 going to be tax claim bureau assistant director</p> <p>2 job description.</p> <p>3 - - -</p> <p>4 (Bates Stamped 1215-1216 marked as</p> <p>5 Exhibit-218 for identification.)</p> <p>6 - - -</p> <p>7 BY MS. SMITH:</p> <p>8 Q. I see you now have that document before</p> <p>9 you, Mr. Bender.</p> <p>10 A. I do.</p> <p>11 Q. So is this the county's job</p> <p>12 classification description for the position of tax</p> <p>13 claimant bureau assistant director?</p> <p>14 A. It is.</p> <p>15 Q. Okay.</p> <p>16 If you look to the second page of this</p> <p>17 document, it's dated June 1994 with a revision</p> <p>18 date of 3/4/2008; is that correct?</p> <p>19 A. Correct.</p> <p>20 Q. So this has been the county's job</p> <p>21 classification description for the position of</p> <p>22 assistant tax claim director for that -- for the</p> <p>23 entire time that Jane Doe 4 held that position, at</p> <p>24 least until she started holding the dual role,</p>	<p>Page 194</p> <p>1 bureau?</p> <p>2 A. As far as I know, yes.</p> <p>3 Q. And then as we discussed earlier, in and</p> <p>4 around May of 2019, there was a decision to</p> <p>5 combine tax claim bureau and tax assessment. And</p> <p>6 Jane Doe 4 was selected for the assistant position</p> <p>7 in both of those offices, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Were you --</p> <p>10 MS. SMITH: Matt, you can take that</p> <p>11 exhibit down.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Mr. Bender, were consulted or asked your</p> <p>14 opinion as to the decision regarding Jane Doe 4</p> <p>15 holding that position in those offices?</p> <p>16 A. Yes.</p> <p>17 Q. And what was your opinion?</p> <p>18 A. Jane Doe 3 and I had discussed that and</p> <p>19 we had looked at another person to do that. And</p> <p>20 Jane Doe 3 thought she would prefer to have Jane</p> <p>21 Doe 4 in that role and I deferred to her.</p> <p>22 Q. Did you have any reason to believe that</p> <p>23 Jane Doe 3 didn't have the knowledge to decide who</p> <p>24 the best fit for that role would be?</p>

<p style="text-align: right;">Page 195</p> <p>1 A. No, not at all. It was -- it was the  2 kind of thing that, as I told you earlier, we were  3 looking to -- to do two -- two new ones in there.  4 And we had looked and I talked to another  5 individual in the assessment office about that,  6 but I did approach Jane Doe 3 about that and she  7 felt Jane Doe 4 would be a better fit and I  8 concurred.  9 Q. Okay.  10 Jane Doe 4, similar to Jane Doe 3, held  11 an interim dual role position right after the  12 offices were combined, correct?  13 A. Well, I would think so. If you're -- if  14 you're going to show me a PAR for that, then I  15 will -- I don't know that specifically, but if  16 we're going to go there next, that will be --  17 answer my question.  18 Q. Okay.  19 I mean, I -- I can show you a PAR if  20 that will refresh your recollection.  21 MS. SMITH: It's going to be -- it  22 should be previously marked Exhibit No. 48, I  23 believe. Yeah, 48.  24 (Previously marked Exhibit-48.)</p>	<p style="text-align: right;">Page 197</p> <p>1 And then after an interim position, Jane  2 Doe 3 -- I'm sorry -- Jane Doe 4 did, in fact,  3 become the dual assistant position in those  4 offices, correct?  5 A. Correct.  6 Q. Do you know how long Jane Doe 4 remained  7 in an interim position?  8 A. How long she was -- she held that  9 position?  10 Q. The interim position, correct.  11 A. I would assume the same length of time  12 as -- as Jane Doe 3, for a month.  13 Q. Okay.  14 In any event, regardless of how long she  15 held it, during that period of time when she was  16 interim, did you have any issues or concerns with  17 her work performance as the interim, I'm going to  18 call it, dual assistant role?  19 A. I did not.  20 Q. Okay.  21 Did anyone raise any concerns or issues  22 with Jane Doe 4's work performance during her  23 interim dual assistant role?  24 A. Not to my knowledge. Not me to, anyway.</p>
<p style="text-align: right;">Page 196</p> <p>1 BY MS. SMITH:  2 Q. Do you have that document now in front  3 of you, Mr. Bender?  4 A. I do.  5 Q. Okay.  6 And this is a PAR for -- that you  7 completed for Jane Doe 4 to move from assistant  8 director of tax claim to an interim position --  9 interim dual role position, correct?  10 A. I didn't complete it, no, I approved it.  11 Q. Okay.  12 Well, it says at the top, from Gary  13 Bender. So you didn't draft this?  14 A. I understand what it says at the top,  15 Ms. Smith. As I said earlier, generally someone  16 in HR prepares them and I approve them. I have  17 never prepared one of these.  18 Q. Okay.  19 So it says that, I guess, they prepared  20 it on your behalf. You review it before it goes  21 out. But it is you giving it to the  22 commissioners, so it's from you in that sense?  23 A. That is correct.  24 Q. Okay.</p>	<p style="text-align: right;">Page 198</p> <p>1 MS. SMITH: I don't think that this  2 one is in the stack of papers, but it's going to  3 be SC1217 and 1218. This might be one you have to  4 look at on the screen.  5 ---  6 (SC1217-1218 marked as Exhibit-219 for  7 identification.)  8 ---  9 BY MS. SMITH:  10 Q. I apologize, Mr. Bender, but it won't be  11 too many questions about it.  12 Mr. Bender, this is the county's job  13 classification description for the dual assistant  14 role for the tax claim tax assessment offices,  15 correct?  16 A. Correct.  17 Q. If we can turn to the second page dated  18 May of 2019; is that correct?  19 A. Correct.  20 Q. So this similarly when the offices --  21 similar to Jane Doe 3's dual role job  22 classification description, this is something that  23 was draft as a result of the county's decision to  24 combine the two offices and have one assistant in</p>

<p style="text-align: right;">Page 199</p> <p>1 both offices, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 Were you involved at all in the drafting</p> <p>5 of this job description?</p> <p>6 A. I probably reviewed it with Ms. Twigg.</p> <p>7 Q. Okay.</p> <p>8 Do you know if you made any changes to</p> <p>9 it?</p> <p>10 A. I did not suggest any.</p> <p>11 Q. Okay.</p> <p>12 So I want to talk about Jane Doe 4's</p> <p>13 interim period, interim dual role.</p> <p>14 At that -- at any time during her</p> <p>15 interim position, did you have any questions or</p> <p>16 concerns about her qualifications related to this</p> <p>17 classification job description?</p> <p>18 A. I did not.</p> <p>19 Q. At any time during her stint as an</p> <p>20 interim dual assistant did you have any questions</p> <p>21 or concerns regarding her job performance?</p> <p>22 A. I did not.</p> <p>23 Q. And during that same time, did anyone</p> <p>24 bring to your attention that she did not complete</p>	<p style="text-align: right;">Page 201</p> <p>1 assistant role position?</p> <p>2 A. No. The only question that came up,</p> <p>3 Ms. Smith, was the CP -- CPE license, whether she</p> <p>4 had her CPE license. But it was not really</p> <p>5 related to the job function, that was a just</p> <p>6 question that had come up.</p> <p>7 Q. Okay.</p> <p>8 And if we look at 219, on the first page</p> <p>9 there at the very bottom, it says under education</p> <p>10 employment, must have or obtain within three years</p> <p>11 of employment, the Certified Pennsylvania</p> <p>12 Evaluators License, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay.</p> <p>15 So Jane Doe 4, I think we established,</p> <p>16 became chief assistant -- well, strike that.</p> <p>17 This CPE requirement is more related to</p> <p>18 her role as an assistant or deputy chief assessor,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay.</p> <p>22 And so she didn't become that -- didn't</p> <p>23 take over that role until May of 2019, in the</p> <p>24 interim position, correct?</p>
<p style="text-align: right;">Page 200</p> <p>1 the essential job duties and responsibilities</p> <p>2 listed in this job description?</p> <p>3 A. They did not.</p> <p>4 Q. Okay.</p> <p>5 Between when she became -- so May of</p> <p>6 2019 is when she became interim. It was about a</p> <p>7 month later she became non-interim in the -- in</p> <p>8 the actual assistant in both offices.</p> <p>9 From the time she became the actual</p> <p>10 assistant in both offices in May of 2020, did you</p> <p>11 have any concerns about her qualifications as</p> <p>12 required by this job classification description?</p> <p>13 And when I say this, I mean 2/9/18.</p> <p>14 A. No.</p> <p>15 Q. For that same time period, so roughly</p> <p>16 June of 2019 to May of 2020, did you have any</p> <p>17 questions or concerns regarding Jane Doe 4's job</p> <p>18 performance as the dual assistant?</p> <p>19 A. No.</p> <p>20 Q. All right.</p> <p>21 And during that same time, so June 2019</p> <p>22 to May of 2020, did you have any -- did anyone</p> <p>23 bring to your attention any questions or concerns</p> <p>24 regarding Jane Doe 4's job performance in her dual</p>	<p style="text-align: right;">Page 202</p> <p>1 A. Correct.</p> <p>2 Q. So if I've got my math correct, that</p> <p>3 would be May of 2022, was when she would have had</p> <p>4 to obtain that license by, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay.</p> <p>7 And Jane Doe 4 transferred out of</p> <p>8 that -- well, in March of 2021, Jane Doe 4 was --</p> <p>9 when the offices were restructured, Jane Doe 4</p> <p>10 remained only assistant or deputy assessor and was</p> <p>11 no longer assistant tax claim director, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And a few months after March of 2021,</p> <p>14 Jane Doe 4 transferred back into the position of</p> <p>15 only tax assistant, tax claim director, correct?</p> <p>16 A. Correct.</p> <p>17 Q. So she was -- she no longer held the</p> <p>18 position of assistant or deputy chief assessor</p> <p>19 before May of 2022, correct?</p> <p>20 A. Correct.</p> <p>21 Q. So at no point did she fail to meet this</p> <p>22 requirement of holding a CPE license within three</p> <p>23 years, correct?</p> <p>24 A. That is correct.</p>

<p>Page 203</p> <p>1 Q. Okay. Great.</p> <p>2 Did you ever hear Defendant Halcovage</p> <p>3 make a comment about how Jane Doe 4 ate freeze</p> <p>4 pops or popsicles?</p> <p>5 A. I did not.</p> <p>6 Q. Did anyone -- go ahead. I'm sorry.</p> <p>7 A. And the only reason I know that is</p> <p>8 because of the investigation.</p> <p>9 Q. Okay.</p> <p>10 What about the investigation gave you</p> <p>11 that knowledge?</p> <p>12 A. It was written in there that there was</p> <p>13 talk about freezie pops.</p> <p>14 Q. Okay.</p> <p>15 So just your reading of an</p> <p>16 investigation --</p> <p>17 A. Correct.</p> <p>18 Q. -- report?</p> <p>19 Okay.</p> <p>20 Did you ever hear Defendant Halcovage</p> <p>21 say, I like the way your mouth is around that, to</p> <p>22 Jane Doe 4?</p> <p>23 A. I did not.</p> <p>24 Q. Did you ever hear the defendant refer to</p>	<p>Page 205</p> <p>1 the ruling.</p> <p>2 And she said she would work there anyway</p> <p>3 because she enjoyed doing that and we left it at</p> <p>4 that. And then after the election, there was a</p> <p>5 complaint made that -- that she wasn't</p> <p>6 compensated. And so the ruling from</p> <p>7 Mr. Scarbinsky was that she was not going to be</p> <p>8 compensated.</p> <p>9 Q. Who did the complaint come from?</p> <p>10 A. From Jane Doe 4.</p> <p>11 Q. Was it directly to you or did --</p> <p>12 A. No, I think it --</p> <p>13 MS. JONES: Go ahead, Catherine,</p> <p>14 try again. Ask that question again.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Well, did -- did Jane Doe 4 make the</p> <p>17 complaint directly to you or did it come from</p> <p>18 someone else?</p> <p>19 A. From someone else.</p> <p>20 Q. Who was the someone else?</p> <p>21 A. It was Glenn Roth.</p> <p>22 Q. Okay.</p> <p>23 And did Glenn Roth tell you that Jane</p> <p>24 Doe 4 had raised a concern about not being paid</p>
<p>Page 204</p> <p>1 a freeze pop or a popsicle as a big one or big</p> <p>2 ones?</p> <p>3 A. I did not.</p> <p>4 Q. Did you ever say -- hear Defendant</p> <p>5 Halcovage say that he had Jane Doe 4 trained?</p> <p>6 A. I did not.</p> <p>7 Q. Do you recall an incident involving Jane</p> <p>8 Doe 4 receiving or not receiving compensation for</p> <p>9 working the election poles?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 Do you remember what year that was?</p> <p>13 A. I do not. It was -- it was prior to my</p> <p>14 being an administrator is what I -- what I</p> <p>15 remember.</p> <p>16 Q. Okay.</p> <p>17 And tell me what you remember about it.</p> <p>18 A. Non-union exempt employees were not</p> <p>19 entitled a compensation, were not given</p> <p>20 compensation for working election day. That was a</p> <p>21 decision that was made by the commissioners and</p> <p>22 the administrator. Jane Doe 4 had called me about</p> <p>23 that and I told her that that was -- Mark</p> <p>24 Scarbinsky asked me to call and I said that was</p>	<p>Page 206</p> <p>1 for the election to him?</p> <p>2 A. Correct.</p> <p>3 Q. And then Glenn Roth brought it to you?</p> <p>4 A. Correct.</p> <p>5 Q. And did you discuss it with Defendant</p> <p>6 Halcovage in any capacity?</p> <p>7 A. No.</p> <p>8 Q. Did you discuss it with Mark Scarbinsky</p> <p>9 though?</p> <p>10 A. Yes.</p> <p>11 Q. And Mark Scarbinsky informed you to</p> <p>12 inform either Mr. Roth or Jane Doe 4 that Jane Doe</p> <p>13 4 would not be paid?</p> <p>14 A. Correct.</p> <p>15 Q. And is that what you did?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know, did Mark Scarbinsky consult</p> <p>18 with anyone prior to telling you that Jane Doe 4</p> <p>19 would not be paid?</p> <p>20 A. I don't -- I don't know.</p> <p>21 Q. Okay.</p> <p>22 Did you ever observe Defendant Halcovage</p> <p>23 request that Jane Doe 4 obtain campaign petition</p> <p>24 signatures for him?</p>

<p>Page 207</p> <p>1 A. No.</p> <p>2 Q. We've now looked at a number of job</p> <p>3 classification descriptions for positions within</p> <p>4 the county. I know you testified that you might</p> <p>5 have reviewed them and discussed them with Deb</p> <p>6 Twigg, but do you recall -- were you did draft at</p> <p>7 any point during your employment, a job</p> <p>8 classification description, did you yourself draft</p> <p>9 one?</p> <p>10 A. No.</p> <p>11 Q. So it would get drafted, as I understand</p> <p>12 then, by HR and you would review it?</p> <p>13 A. Correct. And we would have discussions,</p> <p>14 whether it was Martina Chaswiak or Debra Twigg or</p> <p>15 Heidi Zula, we would discuss what's in there and</p> <p>16 then a final draft would be prepared and I would</p> <p>17 approve it.</p> <p>18 Q. Okay.</p> <p>19 Do you know at any point during your</p> <p>20 employment, did you recommend changes to any</p> <p>21 drafts for job description classifications?</p> <p>22 A. I do not.</p> <p>23 Q. I want to go back a little to talk about</p> <p>24 Ms. Murray a little bit. I know we -- we touched</p>	<p>Page 209</p> <p>1 During her employment at the time you</p> <p>2 were county administrator, did you have any issues</p> <p>3 with her job performance?</p> <p>4 A. I did not.</p> <p>5 Q. Did you ever observe Defendant Halcovage</p> <p>6 state that he was going to make Ms. Murray or</p> <p>7 Ginny, cry?</p> <p>8 A. No.</p> <p>9 Q. Did you ever hear Defendant Halcovage</p> <p>10 comment on Ms. Murray's sexual orientation or his</p> <p>11 perception of her sexual orientation?</p> <p>12 A. No.</p> <p>13 Q. Did you ever hear Defendant Halcovage</p> <p>14 refer to Ms. Murray as a lesbian?</p> <p>15 A. No.</p> <p>16 Q. Did you ever hear Defendant Halcovage</p> <p>17 refer to Ms. Murray as a carpet muncher?</p> <p>18 A. No.</p> <p>19 Q. Did Ms. Murray ever bring any concerns</p> <p>20 about Defendant Halcovage's comments or conduct to</p> <p>21 you?</p> <p>22 A. No.</p> <p>23 Q. There is a county employee by the name</p> <p>24 of Heather Mataskavage or --</p>
<p>Page 208</p> <p>1 on her somewhat.</p> <p>2 But Ms. Murray was the county's chief</p> <p>3 assessor when you became county administrator. I</p> <p>4 think we established that, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. I think we established Ms. Murray</p> <p>7 retired in July of 2019, correct?</p> <p>8 A. Ginny Murray in 2000 -- I don't think</p> <p>9 so. Ginny Murray is a long-time employee there.</p> <p>10 Q. Well, Ms. Murray retired at some point,</p> <p>11 correct?</p> <p>12 A. Oh, I'm sorry. I'm sorry, Ms. Smith. I</p> <p>13 thought you said hired. You're saying retired.</p> <p>14 Q. Retired.</p> <p>15 A. Sorry.</p> <p>16 Q. She retired around July of 2019, when</p> <p>17 the offices -- right after they were combined,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. She kind of transitioned Jane Doe 4 and</p> <p>21 Jane Doe 3 into their roles and then she retired,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay.</p>	<p>Page 210</p> <p>1 A. Mataskavage, yes.</p> <p>2 Q. Did you ever hear Defendant Halcovage</p> <p>3 state that she had a wild side in the past or</p> <p>4 words to that effect?</p> <p>5 A. No.</p> <p>6 Q. There is -- I think she's now a former</p> <p>7 employee -- but her name is Tiffany, it might have</p> <p>8 been Keel, it's been Myer at some point.</p> <p>9 Do you know who that individual is?</p> <p>10 A. I do.</p> <p>11 Q. Did you ever Defendant Halcovage mention</p> <p>12 she had lived with a man before she was married?</p> <p>13 A. No.</p> <p>14 Q. Do you know who Kelly McAlonis is?</p> <p>15 A. I do.</p> <p>16 Q. She was a county employee at some point,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Did you ever hear rumors that Defendant</p> <p>20 Halcovage had had sex with Ms. McAlonis?</p> <p>21 A. No.</p> <p>22 Q. Did Ms. McAlonis raise any sexual</p> <p>23 harassment concerns with the county at any point</p> <p>24 that you're aware of?</p>



<p>Page 211</p> <p>1 A. No.</p> <p>2 Q. Do you know who Deni Sandusky is?</p> <p>3 A. Yes.</p> <p>4 Q. And Ms. Sandusky is a female county</p> <p>5 employee or at least was a county employee,</p> <p>6 correct?</p> <p>7 A. Deni is a current employee in the tax</p> <p>8 claim office.</p> <p>9 Q. Okay.</p> <p>10 Did you ever hear Defendant Halcovege</p> <p>11 state that she's not the smartest tool in the shed</p> <p>12 or words to that effect?</p> <p>13 A. No.</p> <p>14 MS. JONES: What's the -- what was</p> <p>15 the first name?</p> <p>16 THE WITNESS: Deni.</p> <p>17 MS. SMITH: Deni, DE-N-I.</p> <p>18 MS. JONES: Thank you.</p> <p>19 BY MS. SMITH</p> <p>20 Q. Did you ever hear Defendant Halcovege</p> <p>21 make any negative comments about women?</p> <p>22 A. I don't recall him making any</p> <p>23 disparaging remarks, no.</p> <p>24 Q. Did you ever hear Defendant Halcovege</p>	<p>Page 213</p> <p>1 and bent over. And so I went back to my office</p> <p>2 and called him back and I said that -- that's</p> <p>3 inappropriate. That's -- and I went to the two</p> <p>4 women, I asked them if either one of them were</p> <p>5 upset by what just happened, they said they were</p> <p>6 not, and I did report that to Debra Twigg.</p> <p>7 Q. Who were the two women that were</p> <p>8 present?</p> <p>9 A. Linda Dietrich.</p> <p>10 Q. And who was -- you said two?</p> <p>11 A. And I don't -- I don't recall right now</p> <p>12 the second one. It could have been one of two</p> <p>13 women, but I don't know.</p> <p>14 Q. So the notes from that investigation</p> <p>15 mention a Mary Beth. Does that refresh your</p> <p>16 recollection?</p> <p>17 A. Then it would have been -- Mary Beth</p> <p>18 Hepner worked in the office, yes.</p> <p>19 Q. I was trying to figure out who -- what</p> <p>20 her last name was. Thank you. Hepner.</p> <p>21 Do you know if Ms. Twigg ever discussed</p> <p>22 your report about this incident with Defendant</p> <p>23 Halcovege?</p> <p>24 A. I'm not aware of that, no.</p>
<p>Page 212</p> <p>1 make any negative comment about any specific</p> <p>2 woman?</p> <p>3 A. No.</p> <p>4 Q. Did you ever hear Defendant Halcovege</p> <p>5 make any comment that you -- you believed was</p> <p>6 inappropriate for the workplace that we have not</p> <p>7 yet discussed?</p> <p>8 A. I don't recall any, no.</p> <p>9 Q. Did you ever observe Defendant Halcovege</p> <p>10 engage in any conduct that we have not discussed</p> <p>11 that you believe was inappropriate for the</p> <p>12 workplace?</p> <p>13 MS. JONES: Object to the form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Okay.</p> <p>18 Can you tell me about that?</p> <p>19 A. I can.</p> <p>20 The -- during the COVID, we had gotten a</p> <p>21 supply of rubber gloves and one of the secretares</p> <p>22 out at the front desk had snapped a rubber glove,</p> <p>23 they were tight fighting gloves and we were happy</p> <p>24 to get them. And Commissioner Halcovege turned</p>	<p>Page 214</p> <p>1 Q. Did you ever ask her if she -- follow up</p> <p>2 and ask her if she had?</p> <p>3 A. I did not.</p> <p>4 Q. When you told -- when you brought</p> <p>5 Defendant Halcovege into your office and -- and</p> <p>6 told him it was inappropriate, what was his</p> <p>7 response?</p> <p>8 A. He didn't mean anything by it.</p> <p>9 Q. What did you think he meant by it?</p> <p>10 A. Well, you have a rubber glove on and you</p> <p>11 bend over, it would be a doctor's examination.</p> <p>12 That's the inference of that. And I thought that</p> <p>13 was inappropriate. I didn't care for it myself</p> <p>14 and I don't think the women did. But they -- they</p> <p>15 expressed no -- when I talked to them, they said</p> <p>16 they weren't offended by it. Maybe I'm just a</p> <p>17 prude. I don't think so, but maybe I am.</p> <p>18 Q. Well, you said you didn't think the</p> <p>19 women appreciated it either. Is that based off of</p> <p>20 what you observed, how they reacted?</p> <p>21 A. No, just on my feeling. If I was upset,</p> <p>22 maybe I thought they were, but they were not.</p> <p>23 Q. Okay.</p> <p>24 Did you ever discuss any of Defendant</p>

<p style="text-align: right;">Page 215</p> <p>1 Halcovage's comments or conduct, other than what  2 you've already testified about, any other comments  3 or conduct of his with Defendant Roth in any --  4 like that you had concerns about he acted or what  5 he said?  6 MS. JONES: I object to the extent  7 it calls for any communications that were  8 privileged.  9 So you can answer it, if you can  10 answer it without giving any priveledged --  11 without divulging that, you can answer.  12 THE WITNESS: My comments were  13 generally directed to HR Director Twigg.  14 BY MS. SMITH:  15 Q. Okay.  16 Well, so -- just so the record is clear,  17 because generally means that there was times that  18 it wasn't were to the HR director.  19 So were there ever conversations you had  20 with Defendant Roth about Defendant Halcovage --  21 concerns regarding Defendant Halcovage's behavior?  22 A. I don't recall because it wouldn't have  23 been in that capacity.  24 Q. Okay.</p>	<p style="text-align: right;">Page 217</p> <p>1 inappropriate in the workplace.  2 Q. Right.  3 Did you ever discuss any of the conduct  4 or behavior of Defendant Halcovage with any of the  5 other commissioners, whether it be former  6 Commissioner Stottlemeyer, Hess, or Hetherington?  7 A. On that incident, no.  8 Q. On any incident --  9 A. No.  10 Q. -- did you ever -- okay.  11 A. Let's jump forward to -- to the May 1,  12 that complaint came through, yes, then I did.  13 Q. Okay.  14 But prior to May of 2020 --  15 A. No. No.  16 Q. Let me just get my question out.  17 Prior to May of 2020, you did not  18 discuss any of Defendant Halcovage's behavior or  19 comments with any other commissioner?  20 A. No.  21 Q. In Ms. Twigg's notes concerning her  22 investigation and discussions with you relate  23 thereto, there's a -- a mention of Ms. O'Connell  24 being asked by Defendant Halcovage if she could</p>
<p style="text-align: right;">Page 216</p> <p>1 Do you remember ever having a  2 conversation or engaging in a conversation with  3 Defendant Roth, similar to that you had with Jane  4 Doe 3, that one of these days, Defendant --  5 Defendant Halcovage is going to say something to  6 the wrong person?  7 A. You know, I'm going to have to say we  8 may have and it may have been after that incident.  9 Q. After the rubber glove incident?  10 A. No. After the incident with Jane Doe 3,  11 the conversation in my office.  12 Q. Okay. Gotcha. Thank you for that  13 clarification.  14 Other than what you testified to so far,  15 was there any other time you can recall discussing  16 your concerns with Defendant Halcovage's conduct  17 or behavior with HR, whether it be Ms. Twigg, Ms.  18 Zula, Ms. Chaswiak?  19 A. No.  20 Q. The -- the rubber glove incident where  21 Defendant Halcovage said bend over, did -- I know  22 you said I think it's kind of inappropriate, did  23 you fine it offensive?  24 A. I wouldn't say offensive, no. Just</p>	<p style="text-align: right;">Page 218</p> <p>1 get him signatures on his election petitions. Do  2 you recall telling Ms. Twigg about that?  3 A. That occurred in my office, yes.  4 Q. Do you remember what year that was?  5 A. I'm thinking 2015, in that campaign.  6 Q. And as I understand it from Ms. Twigg's  7 notes, and correct me if I'm wrong as to what  8 happened --  9 A. Well, it --  10 Q. Go ahead.  11 A. I'm sorry. It couldn't have been '15  12 because Debra Twigg wasn't there in 2015. So --  13 so had to be the '19 campaign.  14 Q. Well -- so I don't -- I don't want to  15 confuse you, not trying to -- but I do want to try  16 and get the dates right. If reported by Debra  17 Twigg and it's about her conversation with you,  18 but let me just take a look at it. And I can  19 maybe pull it up for you, too.  20 MS. SMITH: Matt, if you can put  21 Exhibit 71, Page 16.  22 (Previously marked Exhibit-71.)  23 BY MS. SMITH  24 Q. It's the second paragraph from the</p>

<p style="text-align: right;">Page 219</p> <p>1 bottom there, Mr. Bender, once you have it in 2 front of you. 3 A. Yes. So then I stand corrected because 4 Twigg wasn't there in the '15 campaign, so it 5 would have been the 2019 campaign year. 6 Q. Okay. 7 So are you saying that you remember that 8 Ms. Twigg was employed at the time that this 9 request was made by Mr. Halcovage to 10 Ms. O'Connell? 11 A. Yes. 12 Q. Okay. All right. 13 So reading this paragraph, and correct 14 me if I'm wrong, as I understand, you and 15 Ms. O'Connell, who was a county employee at the 16 time, were in your county office, correct? 17 A. Correct. If you recall, Michelle worked 18 for me. 19 Q. Right. Okay. 20 A. Okay. 21 Q. I am just trying to make sure I 22 understand and I want the record to be clear. 23 And while you and Ms. O'Connell were in 24 your office, Defendant Halcovage came in and</p>	<p style="text-align: right;">Page 221</p> <p>1 Michelle was uncomfortable and I wanted to speak 2 to George and she didn't have to be present when I 3 did that. 4 Q. Okay. 5 So then, as this states, Michelle left. 6 So you and George -- Defendant Halcovage remained 7 in your office, correct? 8 A. Yes. 9 Q. And you told George that his request was 10 illegal, correct? 11 A. She didn't want to do it, he shouldn't 12 have asked her to do it. 13 Q. Well, this last sentence in this report 14 on Page 15 of 71 says, Gary then told George that 15 his request was illegal. 16 A. And -- and it is. 17 Q. Did you -- 18 A. Yes, it is. 19 Q. Okay. 20 So did you tell George that his request 21 was illegal after Ms. O'Connell left your office? 22 A. Yes. 23 Q. Okay. 24 Did you believe that George Halcovage's</p>
<p style="text-align: right;">Page 220</p> <p>1 joined the conversation, correct? 2 A. Correct. 3 Q. And during that conversation, did 4 Defendant Halcovage ask Ms. O'Connell if she could 5 get him a couple signatures on his petition, 6 correct? 7 A. Correct. 8 Q. Ms. O'Connell told him she didn't have 9 time and Defendant Halcovage then said, how about 10 just one or two, correct? 11 A. Correct. 12 Q. So Defendant Halcovage didn't take her 13 first no as an answer, correct? 14 A. Correct. 15 Q. Okay. 16 Michelle O'Connell again said she just 17 doesn't have time. And the's when you stepped in 18 and you said, that's okay, Michelle, we're done 19 here and you ended the conversation, correct? 20 A. That is correct. 21 Q. Did you end the conversation because you 22 understood, as this last sentence says, that 23 Defendant Halcovage's request was illegal? 24 A. I ended the conversation because</p>	<p style="text-align: right;">Page 222</p> <p>1 request of Ms. -- Ms. O'Connell was illegal? 2 A. It is. 3 Q. Okay. 4 What did you think -- what was illegal 5 about it? Was it illegal because Michelle was 6 uncomfortable? Was it illegal because it was on 7 county premises during county time? What was 8 illegal about it in your mind? 9 A. In my mind, it was pressuring an 10 employee to get signatures, which she didn't want 11 to get. 12 Q. Okay. 13 And this was on county property while 14 Michelle was on -- you and Michelle were on county 15 time, correct? 16 A. Yes. 17 Q. Did you report this to any election 18 officials? 19 A. I did not. 20 Q. Did you report this to any law 21 enforcement? 22 A. I did not. 23 Q. So now I want to talk a little bit about 24 Ms. Twigg.</p>

<p>Page 223</p> <p>1 Ms. Twigg became the HR director after</p> <p>2 Martina Chaswiak left, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Were you involved in Ms. Twigg's hiring</p> <p>5 process?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 How did you come to be involved?</p> <p>9 A. We formed a committee, when we I mean</p> <p>10 Lisa Mayhall, the county engineer, Glenn Roth, and</p> <p>11 myself conducted interviews. We interviewed two</p> <p>12 people for that position and as result of that, we</p> <p>13 made a recommendation to the board of</p> <p>14 commissioners and -- which was not Deb Twigg and</p> <p>15 they hired Debra Twigg.</p> <p>16 Q. Okay.</p> <p>17 So I want to unpack that one a little</p> <p>18 bit.</p> <p>19 You interviewed two individuals for the</p> <p>20 position of HR director. How did you come to know</p> <p>21 to interview Ms. Twigg? Did she fill out an</p> <p>22 application? Did someone tell you to interview</p> <p>23 her? How did that transpire?</p> <p>24 A. I think Commissioner Halcovage gave me</p>	<p>Page 225</p> <p>1 Halcovage and said we recommend --</p> <p>2 A. Yes.</p> <p>3 Q. -- the other candidate. And what was</p> <p>4 Defendant Halcovage's response?</p> <p>5 A. He didn't chastise, he just said that</p> <p>6 they're going to hire Debra Twigg.</p> <p>7 Q. Okay.</p> <p>8 And so then did you do a PAR for Ms.</p> <p>9 Twigg as a result of Defendant Halcovage's</p> <p>10 response to you?</p> <p>11 A. Yes. And we went to the other two --</p> <p>12 they were aware of the applications that were</p> <p>13 there and we just developed a PAR for Ms. Twigg.</p> <p>14 Q. Okay.</p> <p>15 And then she -- her PAR gets put on the</p> <p>16 agenda, it's voted on, and she's hired as HR</p> <p>17 director?</p> <p>18 A. Correct.</p> <p>19 Q. Okay.</p> <p>20 Who decided the salary that was to be</p> <p>21 offered to Ms. Twigg?</p> <p>22 A. Lisa Mayhall, Glenn Roth, and me, we</p> <p>23 were with HR, we looked at what the previous HR</p> <p>24 director was making, we came up with a figure that</p>
<p>Page 224</p> <p>1 the application.</p> <p>2 Q. Okay.</p> <p>3 And so you interviewed Ms. Twigg because</p> <p>4 Commissioner Halcovage gave you her application.</p> <p>5 Where did the second individual come from?</p> <p>6 A. That was just one of the applications</p> <p>7 that got sent to HR.</p> <p>8 Q. There was a posting somewhere for the</p> <p>9 job position and someone submitted an application?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 And you interviewed -- you and this</p> <p>13 committee interviewed both of those candidates?</p> <p>14 A. Correct.</p> <p>15 Q. And the committee collectively decided</p> <p>16 to recommend the other candidate, not Ms. Twigg,</p> <p>17 to the commissioners, correct?</p> <p>18 A. Correct.</p> <p>19 Q. How was that recommendation made? Was</p> <p>20 it in the form of a PAR or some other manner?</p> <p>21 A. No. I discussed our findings -- Lisa</p> <p>22 Mayhall and I saw George and we said, here's our</p> <p>23 recommendation and they preferred Debra Twigg.</p> <p>24 Q. So you and Ms. Mayhall went to Mr.</p>	<p>Page 226</p> <p>1 we thought was comparable, and we made that offer</p> <p>2 to her.</p> <p>3 Q. Okay.</p> <p>4 Did Ms. Twigg negotiate and try and --</p> <p>5 or did she try and/or get more money than was</p> <p>6 originally offered?</p> <p>7 A. Ms. Twigg asked if that was the final</p> <p>8 offer. And I said for us, for this -- us meaning</p> <p>9 the three members of the committee, it was, but</p> <p>10 she had the option of going to the commissioners.</p> <p>11 Q. Okay.</p> <p>12 Do you know if she did go to the</p> <p>13 commissioners?</p> <p>14 A. She did not.</p> <p>15 Q. Okay.</p> <p>16 So the offer that you had originally</p> <p>17 made her, the salary offered you had originally</p> <p>18 made her is what she started at?</p> <p>19 A. That's what she accepted, yes.</p> <p>20 Q. Okay.</p> <p>21 And then Ms. Twigg resigned from the</p> <p>22 county in September of 2020, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Between January 8th of 2018, which I'll</p>



<p>Page 227</p> <p>1 represent to you is when Ms. Twigg's PAR effective</p> <p>2 date was and September 2020, did you have any</p> <p>3 issues or concerns regarding her job performance?</p> <p>4 A. No. As a matter of fact I was quite</p> <p>5 impressed. I thought the weakness of Ms. Twigg</p> <p>6 was union negotiations and not working in</p> <p>7 government. But she made me eat my words, she was</p> <p>8 very good at union negotiations. And, again, we</p> <p>9 met just about every day and so I found her</p> <p>10 competent, a little more sensitive perhaps, but</p> <p>11 very competent.</p> <p>12 Q. Okay.</p> <p>13 So would it be fair to say that you</p> <p>14 thought Ms. Twigg was good at her job?</p> <p>15 A. Yes.</p> <p>16 Q. Was there anything that Ms. Twigg did</p> <p>17 that you feel called her honesty into question?</p> <p>18 A. Honesty, no.</p> <p>19 Q. Between January -- let me just go with</p> <p>20 between when Ms. Twigg started for the county and</p> <p>21 when she resigned, did anyone bring any issues or</p> <p>22 concerns about her job performance to your</p> <p>23 attention?</p> <p>24 A. In her job performance, no.</p>	<p>Page 229</p> <p>1 A. No, that --</p> <p>2 Q. Is that essentially what you were asking</p> <p>3 him to do?</p> <p>4 Is that essentially what you were asking</p> <p>5 him to do, to try and alleviate any concerns that</p> <p>6 the employee had, to address it before it got to a</p> <p>7 formal complaint?</p> <p>8 A. Yes.</p> <p>9 Q. All right.</p> <p>10 If we can put on screen, and, Mr.</p> <p>11 Bender, if you flip in the binder to Exhibit-81.</p> <p>12 (Previously marked Exhibit-81.)</p> <p>13 MS. SMITH: And just for the</p> <p>14 record, while Mr. Bender is flipping, Jane Doe 2</p> <p>15 has joined the call or the Zoom, whatever, however</p> <p>16 we want to refer to it.</p> <p>17 THE WITNESS: Okay. I'm there.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. All right.</p> <p>20 This is the county's job classification</p> <p>21 description for HR, human resources director,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. If we flip to Page 2 of this document,</p>
<p>Page 228</p> <p>1 Q. Any non-job performance issues ever</p> <p>2 brought to your attention about Ms. Twigg?</p> <p>3 A. Only at the end, there was a negotiation</p> <p>4 down at the children and youth services and I had</p> <p>5 a complaint from Lisa Stevens that Ms. Twigg was</p> <p>6 unprofessional in that negotiation and they were</p> <p>7 upset by that and the employee was going to file a</p> <p>8 complaint.</p> <p>9 Q. As a result of learning this, did you do</p> <p>10 anything?</p> <p>11 A. Yes.</p> <p>12 Q. What did you do?</p> <p>13 A. I asked Glenn Roth to go down, sit with</p> <p>14 the employee, and make that complaint go away.</p> <p>15 Q. What do you mean, make the complaint go</p> <p>16 away?</p> <p>17 A. She withdrew her complaint. She</p> <p>18 didn't -- she didn't file a formal complaint.</p> <p>19 Q. Okay.</p> <p>20 So basically you asked Glenn Roth to</p> <p>21 smooth it over, for lack of a better word?</p> <p>22 A. I'll accept that, yes.</p> <p>23 Q. Okay.</p> <p>24 I mean, if it's not, I'd like --</p>	<p>Page 230</p> <p>1 it is dated -- sorry -- Page 3, I apologize, it's</p> <p>2 three pages, it is dated November of 2017,</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. Any reason to believe it has been</p> <p>6 revised or updated since then?</p> <p>7 A. No.</p> <p>8 Q. Is there anything in this job</p> <p>9 classification description that you believe Ms.</p> <p>10 Twigg was not qualified to perform?</p> <p>11 A. No.</p> <p>12 Q. Is there anything in this job</p> <p>13 classification description that you believe Ms.</p> <p>14 Twigg did not do during her employment?</p> <p>15 A. No.</p> <p>16 Q. All right. I want to look at one that</p> <p>17 was previously marked, but I don't think you have</p> <p>18 it in your stack, but it's SC1162 and 1163.</p> <p>19 Can you see that, Mr. Bender?</p> <p>20 A. I can.</p> <p>21 Q. There's a to and it includes your name,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. And there's a from and it has Ms.</p>



<p>Page 231</p> <p>1 Twigg's name, correct?</p> <p>2 A. Yes.</p> <p>3 Q. All right.</p> <p>4 And there's a stamp there to the right,</p> <p>5 it says received August 14, 2020, by human</p> <p>6 resources.</p> <p>7 Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Do you recall receiving this letter from</p> <p>10 Ms. Twigg on or about August 14th of 2020?</p> <p>11 A. Yes.</p> <p>12 Q. All right.</p> <p>13 Prior to receiving this letter, did you</p> <p>14 know that Ms. Twigg planned to resign?</p> <p>15 A. No.</p> <p>16 Q. After receiving this letter, did you</p> <p>17 speak with Ms. Twigg about her decision -- her</p> <p>18 decision to resign?</p> <p>19 A. We were at one of our regular meetings</p> <p>20 and she handed it to me and I just felt she was</p> <p>21 doing it because of the incident with -- with the</p> <p>22 person down in children and youth. She thought I</p> <p>23 overstepped her authority or I somehow diminished</p> <p>24 her authority. That was not my reason. I thought</p>	<p>Page 233</p> <p>1 - - -</p> <p>2 BY MS. SMITH:</p> <p>3 Q. So anyway, it says: Over the past ten</p> <p>4 months, I have dreaded coming to work almost every</p> <p>5 day.</p> <p>6 Do you see that?</p> <p>7 A. Okay.</p> <p>8 Q. Did you ask Ms. Twigg what had occurred</p> <p>9 to make her feel this way?</p> <p>10 A. We didn't really discuss it.</p> <p>11 Q. All right.</p> <p>12 In the same paragraph she writes,</p> <p>13 because I have not wavered -- it's the last</p> <p>14 sentence -- because I have not wavered in my</p> <p>15 principles, philosophies, and/or beliefs, I have</p> <p>16 suffered instances of undermining, intimidation,</p> <p>17 and manipulation.</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Did you ask Ms. Twigg what had occurred</p> <p>21 to make her feel this way?</p> <p>22 A. I did not.</p> <p>23 Q. All right.</p> <p>24 So now I want to focus on May of 2020.</p>
<p>Page 232</p> <p>1 it was kind of childish she was -- I just did.</p> <p>2 Q. What was childish?</p> <p>3 A. The resignation. I didn't think she had</p> <p>4 to do that.</p> <p>5 Q. Okay.</p> <p>6 Did you tell her that you didn't think</p> <p>7 she needed to resign?</p> <p>8 A. Yes.</p> <p>9 Q. And what was her response?</p> <p>10 A. She thought about it.</p> <p>11 Q. But she still chose to resign?</p> <p>12 A. She did.</p> <p>13 Q. All right.</p> <p>14 In this letter, in the second paragraph,</p> <p>15 the first one is just once sentence, the second</p> <p>16 paragraph in the third line, it says over the past</p> <p>17 ten months, I've dreaded --</p> <p>18 MS. SMITH: Did I mark this as an</p> <p>19 exhibit? Sorry. I don't think I did, but I am</p> <p>20 going to mark it as Exhibit-220, so the record is</p> <p>21 clear.</p> <p>22 - - -</p> <p>23 (SC 1162-1163 marked as Exhibit-220 for</p> <p>24 identification.)</p>	<p>Page 234</p> <p>1 At some point, you -- did you come to learn that</p> <p>2 there were allegations being made regarding sexual</p> <p>3 harassment and/or misconduct on the -- on the part</p> <p>4 of Defendant Halcovage?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall when you first learned and</p> <p>7 from whom about these allegations?</p> <p>8 A. Sometime between 8:20 and 8:30, I think</p> <p>9 it was Friday, May the -- I think the 20th, but</p> <p>10 could have been the 22nd, I'm confused on that.</p> <p>11 But, yes, Debra Twigg stopped over to my office</p> <p>12 and she needed to see me and she said there was</p> <p>13 some serious allegations, that Jane Doe 3 met her</p> <p>14 at the door that day in her office and indicated</p> <p>15 that Jane Doe 1 had claimed that there was a</p> <p>16 sexual relationship with Commissioner Halcovage</p> <p>17 and it had been ongoing. And that was the -- she</p> <p>18 was going to meet with -- with Jane Doe 3 a little</p> <p>19 bit further, but she wanted me to know that.</p> <p>20 Q. Okay.</p> <p>21 What was your response to Ms. Twigg?</p> <p>22 A. My response is, we've got to get a team</p> <p>23 together and do an investigation. And -- and my</p> <p>24 keyword was by the book. This was now a sitting</p>

<p style="text-align: right;">Page 235</p> <p>1 commissioner and didn't know if we were the right</p> <p>2 ones to do it because of -- of being there, but we</p> <p>3 were going to do it and it had to be by the book.</p> <p>4 Whatever happens, happens.</p> <p>5 Q. Okay.</p> <p>6 So did you compile a team, as you called</p> <p>7 it, it investigate?</p> <p>8 A. Yes. Initially the first day it was</p> <p>9 there, it was Debra and I interviewed Jane Doe 2.</p> <p>10 And then when Glenn came into the office, then</p> <p>11 Glenn was -- so it was Glenn and Debra did the</p> <p>12 rest of the investigations, I did not. But we</p> <p>13 reviewed them every day, any interviews that --</p> <p>14 then they were reviewed, the three of us reviewed</p> <p>15 them.</p> <p>16 Q. All right.</p> <p>17 So let's focus on that first day, that</p> <p>18 Friday that Ms. Twigg came to your office. So she</p> <p>19 comes to your office, she tells you about the</p> <p>20 allegations. You say we've got to do this by the</p> <p>21 book?</p> <p>22 A. Right.</p> <p>23 Q. Do you know at that point, had Ms. Twigg</p> <p>24 taken any notes or conducted any interviews at</p>	<p style="text-align: right;">Page 237</p> <p>1 tell you at that point?</p> <p>2 A. Just that we were going to -- she</p> <p>3 started to set up some interviews. But -- well,</p> <p>4 can we back up a little bit. There's a lot more</p> <p>5 that happened in between that morning and -- and</p> <p>6 the second meeting.</p> <p>7 Q. Okay.</p> <p>8 A. Because I had taken -- I had gone over</p> <p>9 then and informed Commissioner Hess. Commissioner</p> <p>10 Halcovage came into the building and Glenn Roth</p> <p>11 was there. And then Glenn and I told George that</p> <p>12 there was some very serious allegations made</p> <p>13 against him of sexual misconduct and we were going</p> <p>14 to do an investigation.</p> <p>15 I called Commissioner Hetherington on</p> <p>16 the phone, he wasn't in that day, told him that I</p> <p>17 would have to visit his house on Saturday. I</p> <p>18 couldn't talk to him over to phone. And then I</p> <p>19 went up to the president judge and I told George,</p> <p>20 we would have to interview him that afternoon.</p> <p>21 So then when Debra came back over, then</p> <p>22 she had set up the interviews -- when Debra came</p> <p>23 back over, we had set up the interview with Jane</p> <p>24 Doe 2 for the afternoon. We were going to</p>
<p style="text-align: right;">Page 236</p> <p>1 that point?</p> <p>2 A. No, not at the point.</p> <p>3 Q. Okay.</p> <p>4 But she told you that she was then going</p> <p>5 to speak with Jane Doe 3 and Jane Doe 4 further?</p> <p>6 A. Yes.</p> <p>7 Q. All right.</p> <p>8 And she then -- it's your understanding</p> <p>9 she then in fact did speak with Jane Doe 3 and</p> <p>10 Jane Doe 4 further?</p> <p>11 A. Correct.</p> <p>12 Q. Were you in that initial, I will call I</p> <p>13 interview, of Jane Doe 4 and/or Jane Doe 3?</p> <p>14 A. I was not.</p> <p>15 Q. All right.</p> <p>16 After Ms. Twigg speaks with them, does</p> <p>17 she then come back and speak with you?</p> <p>18 A. Yes.</p> <p>19 Q. And was that that same Friday or was</p> <p>20 that a different day?</p> <p>21 A. Same Friday.</p> <p>22 Q. Later in -- later in the day, I imagine?</p> <p>23 A. Correct.</p> <p>24 Q. And what, if anything, does Ms. Twigg</p>	<p style="text-align: right;">Page 238</p> <p>1 interview George that afternoon as well. George</p> <p>2 called later to say he was going to Philadelphia.</p> <p>3 Q. Okay.</p> <p>4 So when you received the information</p> <p>5 from Ms. Twigg and she went back to do some work</p> <p>6 and you went and did this other stuff, at any</p> <p>7 point on that Friday did you ask Commissioner</p> <p>8 Halcovage to -- did you ask him or instruct him to</p> <p>9 not come to the courthouse pending further</p> <p>10 investigation?</p> <p>11 A. I did not.</p> <p>12 Q. Was that, on that Friday, the idea that</p> <p>13 Commissioner Halcovage should refrain from coming</p> <p>14 to the courthouse until further investigation, was</p> <p>15 that discussed with you and anyone else?</p> <p>16 A. It was not.</p> <p>17 Q. All right.</p> <p>18 So then you speak with, you said,</p> <p>19 Commissioner Hess. You left a message for</p> <p>20 Commissioner Hetherington. You spoke with the</p> <p>21 president judge Defendant Halcovage. And you said</p> <p>22 Defendant Halcovage said he was going -- he was</p> <p>23 supposed to be interviewed, but then he said he</p> <p>24 was going to Philadelphia?</p>

<p style="text-align: right;">Page 239</p> <p>1 A. Yes. He called later and said he was on 2 his way to Philadelphia, that's where his wife 3 was. 4 Q. Okay. 5 Did you tell him that you -- that this 6 was an important matter and he needed to come be 7 interviewed? 8 A. I told him we are going to have to 9 interview him at some point, so it would have to 10 be Monday then, so... 11 Q. Did you find it odd or concerning that 12 he wouldn't want to be interviewed that same day? 13 A. Not really. Ms. Smith, if it were me, I 14 would go see my wife. 15 Q. Okay. 16 You indicted that when you spoke with 17 Ms. Twigg initially about conducting an 18 investigation, there was, I guess, maybe some 19 concern you had about if you guys were the right 20 ones to conduct the investigation; is that what I 21 understand? 22 A. That was a concern. 23 Q. Why was that your concern? 24 A. Because I was the county administrator,</p>	<p style="text-align: right;">Page 241</p> <p>1 A. Correct. 2 Q. It was in the Hoffman Room, right? 3 A. Correct. 4 Q. All right. 5 Whose request was it that Ms. -- or 6 whose decision or request was it that Jane Doe 3 7 and Jane Doe 4 be present? 8 A. I would imagine -- I don't know. I 9 should say I don't know. I don't want to image. 10 I don't know. 11 Q. Okay. 12 So it wasn't your suggestion or request? 13 A. It was not. 14 Q. All right. 15 Can you walk me through what happened 16 during that meeting or interview? 17 A. Give it a shot. 18 Q. What do you -- what do you recall from 19 it? 20 A. Yeah. I just went in, my first question 21 was -- was, in deed, Commissioner Halcovage and 22 Jane Doe 1 having an affair and she said it was. 23 And can you tell me how long the affair's been 24 going on and she said six years. And I was</p>
<p style="text-align: right;">Page 240</p> <p>1 Glenn was the county solicitor, Debra was the 2 human resources director, and he was a 3 commissioner. We all work for him. That might 4 have the appearance that we wouldn't do our job. 5 I was confident I could do my job. I was 6 confident Ms. Twigg could do her job. 7 Q. Okay. 8 A. And I was confident Glenn Roth could do 9 his. 10 Q. Okay. 11 So you were concerned of an appearance 12 of impropriety? 13 A. Yes. 14 Q. All right. 15 And that was because you were supervised 16 by Commissioner Halcovage, correct? 17 A. Correct. 18 Q. Then later that Friday you, in fact, 19 did, along with Jane Doe 3, Jane Doe 4, and Ms. 20 Twigg, interview Jane Doe 2, correct? 21 A. Correct. 22 Q. And that was in the courthouse, correct? 23 A. Correct. 24 Q. It was in the Hoffmann room right?</p>	<p style="text-align: right;">Page 242</p> <p>1 absolutely flabbergasted. And then -- 2 Q. I don't mean to interrupt you, but I'm 3 going to stop you there for second. 4 A. Okay. 5 Q. When Jane Doe 2 told you that it was, in 6 fact, true that Mr. Halcovage and Jane Doe 1 were 7 having an affair and it had been going on for six 8 years, did you have any reason at that point to 9 disbelieve Jane Doe 2? 10 A. I found it unbelievable, yes. 11 Q. Did she come across as telling the truth 12 though? Was her body language, in -- 13 A. Yes. 14 Q. Was her body language, in your opinion, 15 one of someone telling the truth? 16 A. Yes. 17 Q. Okay. 18 So it was shocking news, but you did 19 believe Jane Doe 2; is that fair? 20 A. That is fair. 21 Q. So it was you, in fact, I think you just 22 testified, that asked those questions, correct? 23 A. Yes. 24 Q. Did you continue to ask questions or</p>

<p style="text-align: right;">Page 243</p> <p>1 then did someone else take over the questioning?</p> <p>2 A. Debra Twigg took over.</p> <p>3 Q. All right.</p> <p>4 Do you recall what was questioned or</p> <p>5 what was discussed?</p> <p>6 A. I would have to read the notes anymore.</p> <p>7 It's -- it's been a while. It's -- a couple of</p> <p>8 things I found out that were disturbing to me is</p> <p>9 how she felt about my e-mail because it was meant</p> <p>10 as nothing. She also -- I also found out that</p> <p>11 during unemployment, she was unable to draw</p> <p>12 unemployment and I felt bad about that because</p> <p>13 she -- she -- as a field appraiser, she certainly</p> <p>14 could have easily worked from home or had made</p> <p>15 some accommodations. I wasn't -- I didn't realize</p> <p>16 she couldn't draw unemployment, so it was kind of</p> <p>17 hard.</p> <p>18 So -- but I did -- you know, we were</p> <p>19 friendly, we weren't social friends, but we were</p> <p>20 friendly. She's a young woman, so I did feel bad</p> <p>21 about that?</p> <p>22 But after the initial statement, I was</p> <p>23 kind of in a -- in a fog.</p> <p>24 Q. All right.</p>	<p style="text-align: right;">Page 245</p> <p>1 MS. SMITH: So I asked him about</p> <p>2 Jane Doe 2's interview he said he asked Jane Doe 2</p> <p>3 if Jane Doe 1 and Mr. Halcovage were having an</p> <p>4 affair and Jane Doe 2 confirmed it.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Is that what I understand your testimony</p> <p>7 just was, Mr. Bender?</p> <p>8 A. That's how I understand your question,</p> <p>9 yes.</p> <p>10 MS. JONES: Okay. Thank you.</p> <p>11 Thank you.</p> <p>12 I thought you said the first part was</p> <p>13 when she -- he asked her, Jane Doe 1. I wanted to</p> <p>14 be clear on that. Thank you.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. All right.</p> <p>17 If I said Jane Doe 1 -- so right now,</p> <p>18 Mr. Bender, let's just clear up the record. I am</p> <p>19 asking you about your interview with Jane Doe 3</p> <p>20 Jane Doe 4 and Ms. Twigg of Jane Doe 2.</p> <p>21 Am I correct in understanding that the</p> <p>22 first question during Jane Doe 2's interview, to</p> <p>23 Jane Doe 2 by you, was about Jane Doe 1 and</p> <p>24 Defendant Halcovage's affair?</p>
<p style="text-align: right;">Page 244</p> <p>1 How long, if you recall about, did the</p> <p>2 interview or discussion last?</p> <p>3 A. I don't recall.</p> <p>4 Q. Was it over an hour?</p> <p>5 A. Probably not.</p> <p>6 Q. Okay.</p> <p>7 So give or take, roughly an hour-ish?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 During the interview, what was Jane Doe</p> <p>11 2's demeanor?</p> <p>12 A. She was crying quite a bit.</p> <p>13 Q. During the meeting, did you have any</p> <p>14 reason to disbelieve anything that Jane Doe 2 said</p> <p>15 to you -- said during the meeting?</p> <p>16 A. I did not.</p> <p>17 Q. Did you apologize --</p> <p>18 MS. JONES: Can I -- can I</p> <p>19 interrupt for a second. Did I --</p> <p>20 MS. SMITH: Of course.</p> <p>21 MS. JONES: Did I misunderstand? I</p> <p>22 thought your first questions were about Jane Doe 1</p> <p>23 and now you're asking about Jane Doe 2. Did I</p> <p>24 miss that transition?</p>	<p style="text-align: right;">Page 246</p> <p>1 A. Correct.</p> <p>2 Q. And Jane Doe 2 confirmed that Mr. --</p> <p>3 Jane Doe 1 and Mr. Halcovage's was, in fact, true</p> <p>4 and had been occurring for six years?</p> <p>5 A. Correct.</p> <p>6 MS. JONES: Thank you.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Okay. All right.</p> <p>9 At some point during the -- this -- I'm</p> <p>10 going to call it an interview, just for lack of</p> <p>11 better wording.</p> <p>12 During this interview of Jane Doe 2, did</p> <p>13 you say, I'm sorry or apologize to her?</p> <p>14 A. Not in the context perhaps that you</p> <p>15 mean. What that related to was she was upset</p> <p>16 because of my e-mail about her shredded jeans and</p> <p>17 she said that when George talked to her about, he</p> <p>18 said, see, you thought Gary Bender was your friend</p> <p>19 and look what he did. And so I apologized for</p> <p>20 that remark. The remark was simply, you can't</p> <p>21 wear that kind of clothing in the court. It meant</p> <p>22 nothing more than that and it was a -- just a very</p> <p>23 simple e-mail. It was no -- it was no written</p> <p>24 warning. It was no verbal warning. It was just a</p>



<p>Page 247</p> <p>1 simple e-mail concerning that. So I said if he  2 said that, I apologize that he said that, it was  3 not my intent.  4 Q. At any point during this interview with  5 Jane Doe 2, did anyone ask her what could be done  6 to ensure that she felt safe and comfortable in  7 her working environment?  8 A. We did not, Ms. Smith. But, you know, I  9 guess you have to give us a break, it was -- it  10 was the initial investigation and we were just  11 trying to focus on what happened at the time. If  12 we were wrong on not asking that, okay, but we  13 didn't discuss that at that point in time.  14 Q. Okay.  15 Was -- so let me ask this: Does the  16 county have an employee assistance program, an EAP  17 program?  18 A. We do.  19 Q. Was that discussed during this meeting?  20 A. Not at this meeting, no.  21 Q. During this meeting though, would it be  22 fair to say that Jane Doe 1 -- Jane Doe 2, I'm  23 sorry, Jane Doe 2 raised concerns about Defendant  24 Halcovage's behavior related to her specifically?</p>	<p>Page 249</p> <p>1 her that the offices are running at 75 percent,  2 and there's going to be layoffs and she took it  3 that he was implying that she would lose her job?  4 A. I don't recall that being said, no.  5 Q. Any -- if it's in Ms. Twigg's notes, is  6 there any reason to believe that that's not what  7 was said?  8 A. I would have no reason -- what I meant,  9 I don't recall that being said.  10 Q. Okay.  11 And, again, I'm just trying to clarify.  12 A. Okay.  13 Q. So -- so if I ask you a question,  14 it's -- I'm not trying to trip you up, I am just  15 trying to make sure the record is clear.  16 So let me ask this: After -- so Ms.  17 Twigg at some point prepared a report, well, she  18 prepared a couple different items. The one we  19 looked at, I think you may still have it in front  20 of you, it's Exhibit-71, it's the one we looked at  21 with some notes about her meeting with you and  22 Michelle O'Connell.  23 MS. JONES: Got it.  24</p>
<p>Page 248</p> <p>1 A. Not in the sense, Ms. Smith, of any fear  2 of Mr. Halcovage. It was more of an irritation.  3 If you would think of children in high school that  4 somebody has to make things right and it -- so not  5 of any fear, no. It was just an -- an irritation  6 how things went. She was always the in-between  7 person.  8 Q. Did she indicate during the meeting  9 that -- or interview that she felt George or  10 Defendant Halcovage manipulated situations?  11 A. Yes.  12 Q. And did she indicate during the  13 interview that she was fearful that Defendant  14 Halcovage would manipulate a -- something -- a  15 situation that would effect her employment?  16 A. Going forward?  17 Q. Yes.  18 A. No.  19 Q. That she had that fear?  20 A. No.  21 Q. Did Jane Doe 2 during the interview,  22 inform you that -- inform the people in the  23 interview that George had -- Defendant Halcovage  24 had been calling her since her furlough, telling</p>	<p>Page 250</p> <p>1 BY MS. SMITH:  2 Q. Do you have it there in front of you?  3 A. I do.  4 Q. This is just a synopsis of her -- her  5 investigation and the interviews during the  6 investigation, correct?  7 A. Correct.  8 Q. At some point after this was drafted,  9 did you review it?  10 A. Yes.  11 Q. Okay.  12 And then she -- Ms. Twigg also issued a  13 final report. And I think -- I don't think it's  14 been marked, but -- oh, wait. It has been. It  15 should be Exhibit-29.  16 THE TECHNICIAN: Excuse me,  17 Counsel. I don't have that one in my previously  18 marked. I only have 34 up through --  19 MR. TOWNSEND: It's also 68.  20 MS. SMITH: Okay.  21 So I just put it -- are you guys  22 able to see my screen?  23 MR. TOWNSEND: Yeah. But if you  24 turn to 68 in the binder, I think that's what she</p>



<p style="text-align: right;">Page 251</p> <p>1 --</p> <p>2 MS. JONES: Off the record.</p> <p>3 ---</p> <p>4 (Whereupon, discussions were held off</p> <p>5 the record.)</p> <p>6 ---</p> <p>7 (Previously marked Exhibit-68.)</p> <p>8 BY MS. SMITH:</p> <p>9 Q. So this is a final -- Mr. Bender, this</p> <p>10 one on the screen, Exhibit-68, is a final report</p> <p>11 that Ms. Twigg issued after the conclusion of her</p> <p>12 investigation, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay.</p> <p>15 So I want to just go back to 71 for a</p> <p>16 moment. As it relates to 71, did you review this</p> <p>17 after it was drafted on -- I'm sorry if you</p> <p>18 answered this question?</p> <p>19 A. I did.</p> <p>20 Q. Okay.</p> <p>21 And was everything in it accurate that</p> <p>22 you could tell or what you knew to be accurate?</p> <p>23 MS. JONES: Object to the form.</p> <p>24 You can answer.</p>	<p style="text-align: right;">Page 253</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Okay.</p> <p>3 At any point after this -- so we looked</p> <p>4 to -- this doesn't have page numbers, I apologize.</p> <p>5 One, two, three, four, five, it should be the</p> <p>6 sixth page. It's the one that -- at the top says</p> <p>7 meeting with Jane Doe 2, Gary Bender, Jane Doe 3.</p> <p>8 A. What page number was that, Ms. Smith?</p> <p>9 Q. There's no pages numbers, but it's the</p> <p>10 sixth page.</p> <p>11 A. Okay. Okay.</p> <p>12 Q. Okay.</p> <p>13 So this says at approximately 1:30 p.m.</p> <p>14 Friday, May 22, 2020, Jane Doe 2 came into the</p> <p>15 office and we met in the Hoffmann Room. So it</p> <p>16 was -- I think you weren't sure about the date</p> <p>17 earlier, but Friday, May 22nd, when you interview</p> <p>18 Jane Doe 2 or when this meeting happened, this</p> <p>19 interview happened, that was the same day that you</p> <p>20 had learned of the allegations generally, correct?</p> <p>21 A. That is correct. And you can see it was</p> <p>22 at 1:30 and we learned in the morning on Friday,</p> <p>23 so same day.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 252</p> <p>1 THE WITNESS: There were a couple</p> <p>2 of changes that I suggested. No. 1 is that Jane</p> <p>3 Doe 2 asked that I be present, I didn't ask to be</p> <p>4 present, Jane Doe 2 asked that I be present at</p> <p>5 meeting. And also is this apology that you</p> <p>6 mentioned. I didn't apologize for -- for sending</p> <p>7 the e-mail. What I apologized for is Mr.</p> <p>8 Halcovage's interpretation. So I just wanted that</p> <p>9 clarified.</p> <p>10 They may seem like moot points,</p> <p>11 Ms. Smith, but it's something I wanted to clarify.</p> <p>12 Q. Yeah. No, and I appreciate that. I'm</p> <p>13 asking you to just tell the truth, so that -- if</p> <p>14 that's your truth, then that's what I'm asking you</p> <p>15 to testify to.</p> <p>16 But everything else as you knew, was</p> <p>17 accurate in this?</p> <p>18 A. Yes.</p> <p>19 Q. This document, I don't -- investigation</p> <p>20 notes, we'll call it, this investigation note</p> <p>21 document?</p> <p>22 MS. JONES: Object to the form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: I would agree, yes.</p>	<p style="text-align: right;">Page 254</p> <p>1 Learned it pretty shortly after you came</p> <p>2 into work that day, Friday, May 22nd?</p> <p>3 A. Yes.</p> <p>4 Q. And then between then and 1:30 is when</p> <p>5 you spoke with the other commissioner -- well, you</p> <p>6 spoke with Hess, left Hetherington a message,</p> <p>7 spoke with Halcovage, and the president judge,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay.</p> <p>11 At any point after Friday, May 22, 2020,</p> <p>12 did you have any -- any conversation with Jane Doe</p> <p>13 2?</p> <p>14 A. No.</p> <p>15 Q. Okay?</p> <p>16 MS. JONES: Just to be clear, did</p> <p>17 you mean ever or did you mean --</p> <p>18 MS. SMITH: Ever.</p> <p>19 MS. JONES: Okay. Is that how you</p> <p>20 answered it?</p> <p>21 THE WITNESS: Yes. I haven't</p> <p>22 spoken to Jane Doe 2 since this date.</p> <p>23 MS. JONES: Okay. Thank you.</p> <p>24 Thank you.</p>

<p>Page 255</p> <p>1 BY MS. SMITH:</p> <p>2 Q. After the meeting or interview with Jane</p> <p>3 Doe 2, what, if anything, did you do next?</p> <p>4 A. Well, we found out that Commissioner</p> <p>5 Halcovage was not going to be there for the</p> <p>6 afternoon meeting and then Debra and Glenn, Ms.</p> <p>7 Twigg and Glenn were to set up future interviews.</p> <p>8 Q. All right.</p> <p>9 If you turn two pages later, it's the</p> <p>10 one with some handwriting on it and circles.</p> <p>11 A. Okay.</p> <p>12 Q. Okay.</p> <p>13 Down the bottom there it starts a bolded</p> <p>14 portion. It says, on Friday, May 22, 2020,</p> <p>15 Commissioner Halcovage hand delivered a copy of</p> <p>16 the letter he received concerning an alleged</p> <p>17 sexual harassment claim to first assistant</p> <p>18 Solicitor/risk manager Glenn Roth.</p> <p>19 So Commissioner Halcovage was in the</p> <p>20 courthouse at some point on Friday, May 22, 2020,</p> <p>21 correct?</p> <p>22 A. That is correct because I mentioned that</p> <p>23 to you that I did speak to him.</p> <p>24 Q. And that was in person that you spoke</p>	<p>Page 257</p> <p>1 Q. That is what, yes, sometimes it's</p> <p>2 referred to as.</p> <p>3 Do you remember when you saw this</p> <p>4 letter?</p> <p>5 A. I do not.</p> <p>6 Q. Do you know if it was -- so it's dated</p> <p>7 May 29th of 2020. Do you know if it was roughly</p> <p>8 around that time?</p> <p>9 A. I would think so. I think Glenn would</p> <p>10 have brought it over to me.</p> <p>11 Q. Okay.</p> <p>12 As a result of seeing this letter --</p> <p>13 well, let me strike that.</p> <p>14 Did you read the letter?</p> <p>15 A. Yes.</p> <p>16 Q. And as a result or after you read the</p> <p>17 letter, what, if anything, did you do?</p> <p>18 A. Well, we sent an e-mail to the MIS</p> <p>19 director that records had -- we all were aware</p> <p>20 that records had to be preserved. We couldn't</p> <p>21 delete anything. The commissioners all knew that.</p> <p>22 Q. Did you at any point after reading this</p> <p>23 letter, take any steps to retrieve from Defendant</p> <p>24 Halcovage, any county-issued electronic devices?</p>
<p>Page 256</p> <p>1 with him?</p> <p>2 A. Yes.</p> <p>3 Q. All right.</p> <p>4 Did you ever see a copy of that letter?</p> <p>5 A. I don't recall that I did.</p> <p>6 MS. SMITH: All right. I am going</p> <p>7 to ask that we put -- am I sharing my screen or..?</p> <p>8 THE TECHNICIAN: No. I am sharing</p> <p>9 my screen, Counsel.</p> <p>10 MS. SMITH: Okay. I couldn't tell.</p> <p>11 Thanks, Matt.</p> <p>12 If we can put 55 on the screen.</p> <p>13 BY MS. SMITH</p> <p>14 Q. And, Mr. Bender, if you can flip to 55.</p> <p>15 All right. We can actually scroll to</p> <p>16 the second page of this.</p> <p>17 Do you recognize this letter, Mr.</p> <p>18 Bender?</p> <p>19 A. I do.</p> <p>20 Q. Okay.</p> <p>21 Have you -- so you've seen this before,</p> <p>22 correct?</p> <p>23 A. I do. This is the preservation letter</p> <p>24 they called it, correct?</p>	<p>Page 258</p> <p>1 A. No. We didn't seize them.</p> <p>2 Q. Okay.</p> <p>3 Did you take any steps to ensure that</p> <p>4 the contents of those devices was copied?</p> <p>5 A. Outside of e-mail preservation, I'm not</p> <p>6 aware of that.</p> <p>7 Q. Well, what do you mean by e-mail</p> <p>8 preservation?</p> <p>9 A. Well, Stanley Nester, our MIS director</p> <p>10 would make sure that all e-mails were preserved.</p> <p>11 Q. Okay.</p> <p>12 But so only e-mails, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So any other file or document on a</p> <p>15 county-issued electronic device, was there any</p> <p>16 affirmative steps by you to ensure that those</p> <p>17 items were preserved?</p> <p>18 A. I'm not sure at what time that was done,</p> <p>19 but I know copies of the -- of the hard drive were</p> <p>20 made.</p> <p>21 Q. Does that include a hard drive of</p> <p>22 Defendant Halcovage's county-issued iPad?</p> <p>23 A. No. I think just photos and files were</p> <p>24 taken from there.</p>

<p style="text-align: right;">Page 259</p> <p>1 Q. From the iPad?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 By the MIS department?</p> <p>5 A. Correct.</p> <p>6 Q. And I'm going -- I believe it's a</p> <p>7 response to a previous discovery request, request</p> <p>8 of any contents Defendant Halcovage's computer or</p> <p>9 county-issued electronic devices be produced.</p> <p>10 All right.</p> <p>11 So any -- on Friday the 22nd, other than</p> <p>12 what we've already discussed, was any -- did you</p> <p>13 do anything else related to the investigation of</p> <p>14 the complaints that had been raised up until that</p> <p>15 point?</p> <p>16 A. Yes. In the afternoon we sat around</p> <p>17 and -- and talked about what steps we could take.</p> <p>18 And we talked about moving the parking places of</p> <p>19 Jane Doe 3 and -- and Jane Doe 4. Not so much of</p> <p>20 a fear that George would do anything, but we just</p> <p>21 felt it would be uncomfortable for them, so we</p> <p>22 were going to take steps to do that.</p> <p>23 We did talk then about restricting</p> <p>24 George's access, Glenn reminded we had no</p>	<p style="text-align: right;">Page 261</p> <p>1 A. Yes.</p> <p>2 Q. During that meeting, it's your testimony</p> <p>3 that there was discussions related --</p> <p>4 MS. SMITH: Matt, you can take the</p> <p>5 exhibit down. Thank you so much. I apologize.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. There were conversations about Jane Doe</p> <p>8 4 and Jane Doe 3's parking spot locations,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Who brought that up?</p> <p>12 MS. JONES: I just want to object</p> <p>13 and instruct the witness not to divulge</p> <p>14 information to the extent it's attorney-client</p> <p>15 communication. I will allow him to answer because</p> <p>16 the questions have been posed relative to</p> <p>17 investigative functions. So I am just giving him</p> <p>18 that instruction, but he can answer.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. So who bought up the -- Jane Doe 3 and</p> <p>21 Jane Doe 4's parking locations?</p> <p>22 A. Well, Debra and I did. We thought it</p> <p>23 was a goo idea to move them out of their -- again,</p> <p>24 no one was concerned about -- a fear that he would</p>
<p style="text-align: right;">Page 260</p> <p>1 authority to do that. So we -- we looked at that</p> <p>2 initially and -- and laid out what -- who was</p> <p>3 going to do the rest of the investigations and</p> <p>4 when they were going to be conducted.</p> <p>5 A follow up to that on Monday when</p> <p>6 George came back to the office, then we did -- I</p> <p>7 did ask Commissioner Halcovage if he would</p> <p>8 restrict his access to the courthouse from 8:00 to</p> <p>9 5:00 and that he not go into the courthouse</p> <p>10 unescorted, he agreed to that. Didn't have the</p> <p>11 authority to back that up, but he agreed to it.</p> <p>12 Q. Okay. All right. I want to unpack that</p> <p>13 one a little bit.</p> <p>14 So you said on Friday at some point, I</p> <p>15 believe it was after Jane Doe 2's interview, you</p> <p>16 said we sat down, I think was the phrase you used.</p> <p>17 Was that you, Ms. Twigg, and who else?</p> <p>18 A. The three were Ms. Twigg, Glenn Roth,</p> <p>19 and myself. And Ms. Twigg and Glenn Roth did the</p> <p>20 rest of the investigation.</p> <p>21 Q. Okay.</p> <p>22 I just want to talk about this Friday,</p> <p>23 May 22nd, I am going to call it a meeting between</p> <p>24 the three of you.</p>	<p style="text-align: right;">Page 262</p> <p>1 harm them in any way, but I didn't want -- we</p> <p>2 didn't want them having a conversation,</p> <p>3 interaction would take place, so we felt it best</p> <p>4 to move them. And so I went after finding a spot</p> <p>5 to move them.</p> <p>6 Q. At the time, so Friday, May 22nd, they</p> <p>7 were parking in the lower lot where Defendant</p> <p>8 Halcovage also parked, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Do you know had -- at the time that this</p> <p>11 conversation between you and Ms. Twigg and</p> <p>12 Defendant Roth was occurring, do you know, had</p> <p>13 Jane Doe 3 or Jane Doe 4 requested that their</p> <p>14 parking assignments be moved?</p> <p>15 A. They did not.</p> <p>16 Q. Okay.</p> <p>17 Why did you make the decision that they</p> <p>18 should be moved as opposed to moving Defendant</p> <p>19 Halcovage's parking spot?</p> <p>20 A. I don't have the authority, Ms. Smith,</p> <p>21 to move George's spot around. George is a sitting</p> <p>22 commissioner and Glenn was quite adamant that we</p> <p>23 couldn't move him around. I know.</p> <p>24 Q. Did Defendant Roth object to moving Jane</p>

<p style="text-align: right;">Page 263</p> <p>1 Doe 3 and Jane Doe 4's parking spot?</p> <p>2 A. You know, that came out, but that's --</p> <p>3 that's not quite true. He just asked, do we think</p> <p>4 it's necessary and we did. We did think it was</p> <p>5 necessary. I don't -- I wouldn't classify that he</p> <p>6 objected to it, he said do we think it's necessary</p> <p>7 and we did think it was necessary. And Glenn</p> <p>8 agreed with that.</p> <p>9 Q. Did you tell Jane Doe 4 that you thought</p> <p>10 the least that you could do is give her and Jane</p> <p>11 Doe 3 a different parking place, unlike Glenn</p> <p>12 Roth, who doesn't feel the same?</p> <p>13 A. I did not say that. I know that's come</p> <p>14 out, that -- that is not true, Ms. Smith. What is</p> <p>15 true and Jane Doe 4 said, which I agree with,</p> <p>16 she's not afraid of George Halcovage, but she just</p> <p>17 didn't want to put herself in a situation where he</p> <p>18 would have a conversation with her.</p> <p>19 Q. Okay.</p> <p>20 During this meeting of you, Ms. Twigg,</p> <p>21 and Mr. Roth on that Friday afternoon, you also</p> <p>22 discussed moving forward, who else would need to</p> <p>23 be interviewed and that Ms. Twigg and Mr. Roth</p> <p>24 would handle those interviews; is that correct?</p>	<p style="text-align: right;">Page 265</p> <p>1 MS. JONES: I am objecting to the</p> <p>2 form of that because I don't think I agree with</p> <p>3 your characterization. But I wanted to preserve</p> <p>4 the other issue.</p> <p>5 He can answer based on my</p> <p>6 objections.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Well, what did you testify to earlier?</p> <p>9 Let me ask you it this way, Mr. Bender: What did</p> <p>10 you testify to earlier that Defendant Roth said</p> <p>11 about restricting Defendant Halcovage's access to</p> <p>12 the courthouse?</p> <p>13 A. None of us felt that we had the</p> <p>14 authority to restrict George on our own. It had</p> <p>15 to be his own say so and so that's why I</p> <p>16 approached him. And he was agreeable to that.</p> <p>17 And -- but I don't think we -- we don't have the</p> <p>18 authority to have George locked out of the</p> <p>19 courthouse.</p> <p>20 Q. Okay.</p> <p>21 At this time, February -- I'm sorry --</p> <p>22 May 22, 2020, Jane Doe 3 and Jane Doe 4 were --</p> <p>23 actually at no point were they ever furloughed,</p> <p>24 correct?</p>
<p style="text-align: right;">Page 264</p> <p>1 A. That is correct.</p> <p>2 Q. Okay.</p> <p>3 And I'm sorry, I don't recall if you</p> <p>4 said this or not, during that Friday, May 22,</p> <p>5 2020, afternoon meeting, was Defendant Halcovage's</p> <p>6 access or freedom of movement within the</p> <p>7 courthouse discussed?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 Now after I asked that question, I am</p> <p>11 recalling that you did say that.</p> <p>12 It was discussed and Glenn Roth advised</p> <p>13 that you guys did not have the authority to do</p> <p>14 that, correct?</p> <p>15 MS. JONES: Object to the form and</p> <p>16 I object to the extent your -- the</p> <p>17 characterization of advice. But I am also</p> <p>18 instructing you not answer if it's in the context</p> <p>19 of attorney client, but you may answer otherwise.</p> <p>20 MS. SMITH: I think he testified</p> <p>21 about it earlier.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. So I am just trying to clarify that</p> <p>24 that's what your testimony earlier was, correct?</p>	<p style="text-align: right;">Page 266</p> <p>1 A. Correct.</p> <p>2 Q. And so they were still working</p> <p>3 physically in the county's courthouse, correct?</p> <p>4 A. Correct.</p> <p>5 Q. All right.</p> <p>6 And so can you tell me exactly what</p> <p>7 requests you made to Defendant Halcovage on that</p> <p>8 Monday, May 25, 2020, regarding his access and</p> <p>9 movement in the courthouse?</p> <p>10 A. Okay. Let -- let me just back up before</p> <p>11 I answer that, Ms. Smith, if you would allow me to</p> <p>12 do that. Jane Doe 4 and Jane Doe 3, at this point</p> <p>13 in time on Friday, made no allegations against</p> <p>14 George at this point in time that I was aware of.</p> <p>15 So let's -- so it wasn't -- again, moving the</p> <p>16 spots was more for I didn't want an interaction</p> <p>17 with them.</p> <p>18 So repeat your question, I'll give</p> <p>19 you -- I'll give you the answer. As I was</p> <p>20 speaking I forgot what it was.</p> <p>21 Q. Okay.</p> <p>22 So let me -- I'm going to ask a</p> <p>23 different question based off of what you just</p> <p>24 shared with us.</p>



<p>Page 267</p> <p>1 A. Okay.</p> <p>2 Q. So the conversation in the afternoon</p> <p>3 with Ms. Twigg and Mr. Roth, that occurred after</p> <p>4 Ms. Twigg had already spoken with and interviewed</p> <p>5 Jane Doe 3 and Jane Doe 4, correct?</p> <p>6 A. Well, that I am not sure of. It was</p> <p>7 after the interview with Jane Doe 2.</p> <p>8 Q. Well, I thought you said earlier that</p> <p>9 after Ms. Twigg came to your office first --</p> <p>10 pretty much first thing in the morning, she then</p> <p>11 went -- went and spoke with Jane Doe 3 and Jane</p> <p>12 Doe 4 while you went and reached out to the</p> <p>13 commissioners and the president judge, correct?</p> <p>14 A. Correct. And they got a hold of Jane</p> <p>15 Doe 2 for an interview in the afternoon.</p> <p>16 Q. Okay.</p> <p>17 Did you prior to this afternoon meeting</p> <p>18 with you, Ms. Twigg, and Mr. Roth, did you ask Ms.</p> <p>19 Twigg what, if anything, she learned from Jane Doe</p> <p>20 3 or Jane Doe 4?</p> <p>21 A. I did not.</p> <p>22 Q. Okay.</p> <p>23 When did you learn about -- well, so</p> <p>24 then I guess my question is: If you didn't know</p>	<p>Page 269</p> <p>1 against George Halcavage or was it in the reading</p> <p>2 of this report or something different?</p> <p>3 A. I don't know. I can't answer. I am</p> <p>4 confused now. I don't know.</p> <p>5 Q. Well, I'm trying to figure out when --</p> <p>6 okay. So if we look at 68, it's dated June 24,</p> <p>7 2020, correct?</p> <p>8 A. Right.</p> <p>9 Q. Did you review this prior to it being</p> <p>10 issued; did you review a draft of it?</p> <p>11 A. I looked over the draft, yes.</p> <p>12 Q. Okay.</p> <p>13 Do you know how long before June 24,</p> <p>14 2020?</p> <p>15 A. I don't.</p> <p>16 Q. All right.</p> <p>17 Would you say that this report indicated</p> <p>18 that Jane Doe 3 and Jane Doe 4 had their own</p> <p>19 issues or complaints regarding Defendant</p> <p>20 Halcavage?</p> <p>21 A. There's some things mentioned in here.</p> <p>22 Yeah, in the final report there are some things</p> <p>23 mentioned in here, you're right.</p> <p>24 Q. Okay.</p>
<p>Page 268</p> <p>1 about any allegations by Jane Doe 3 or Jane Doe 4,</p> <p>2 why did you suggest moving their parking spaces?</p> <p>3 A. Because Jane Doe 2 and Jane Doe 1 work</p> <p>4 for them and I didn't want any discussions to take</p> <p>5 place. I just felt they would be more</p> <p>6 comfortable.</p> <p>7 Q. Okay.</p> <p>8 When did you learn that Jane Doe 3 or</p> <p>9 Jane Doe 4 had made allegations against Defendant</p> <p>10 Halcavage?</p> <p>11 A. You know, I can't recall that. I know</p> <p>12 when the complaint came out, they were in there,</p> <p>13 but until that time, it was -- it was listening</p> <p>14 to -- to Jane Doe 2, I knew what her complaint was</p> <p>15 and I certainly knew Jane Doe 1's. I was not</p> <p>16 aware that there was a bigger complaint with Jane</p> <p>17 Doe 3 and Jane Doe 4.</p> <p>18 Q. Okay.</p> <p>19 So if we look back at, I think it was</p> <p>20 68, the other report by Ms. Twigg, I am going</p> <p>21 to -- you can pull it up or I can tell you, it</p> <p>22 says -- it's dated June 24, 2020. So at some</p> <p>23 point before June 24, 2020, did you learn of Jane</p> <p>24 Doe 3 and Jane Doe 4's -- their own complaints</p>	<p>Page 270</p> <p>1 So by at least June 24th of 2020, you</p> <p>2 had learned that Jane Doe 3 and Jane Doe 4 had</p> <p>3 their own complaints against Defendant Halcavage?</p> <p>4 A. That's reasonable, yes, Ms. Smith.</p> <p>5 Q. Okay.</p> <p>6 So -- and I am just trying to narrow it</p> <p>7 done. And if you can, you can, if you can't, you</p> <p>8 can't.</p> <p>9 Do you know if prior to reading this</p> <p>10 report, you knew that Jane Doe 3 and Jane Doe 4</p> <p>11 had their own complaints against Defendant</p> <p>12 Halcavage?</p> <p>13 A. I really don't know.</p> <p>14 Q. Okay. All right.</p> <p>15 So then going back, I'm sorry, to</p> <p>16 May 22, 2020 -- actually, I'm sorry, that</p> <p>17 following Monday, so the 25th, May 25, 2020, you</p> <p>18 had, I think, testified to this earlier, that you</p> <p>19 had a conversation with Defendant Halcavage about</p> <p>20 his access to the courthouse and his freedom of</p> <p>21 movement within, correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay.</p> <p>24 And the conversation you had, was can</p>



<p style="text-align: right;">Page 271</p> <p>1 you -- can you or will you agree to only come in 2 between 8:00 and -- and 5:00; is that right? 3 A. That is correct. 4 Q. And will you agree to either stay in 5 your office or be escorted through the courthouse, 6 correct? 7 A. Correct. 8 Q. Okay. 9 And that was something at that point 10 Defendant Halcavage agreed to, correct? 11 A. Yes. 12 Q. All right. 13 Was there any request at that point on 14 that Monday that -- after speaking with Jane Doe 15 2, that you made of him to refrain from coming 16 into the courthouse pending further investigation? 17 A. I did not. 18 Q. Let me ask this just because we can 19 probably avoid multiple questions on this topic: 20 At any point, did you ask Defendant Halcavage to 21 refrain from coming into the courthouse? 22 A. I did ask him, and I really can't give a 23 date when I did this, but I ask him, would he 24 consider working from home.</p>	<p style="text-align: right;">Page 273</p> <p>1 A. Correct. 2 Q. Okay. All right. So that at least 3 narrows it down a little bit. I appreciate that. 4 A. I'm trying, Ms. Smith. 5 Q. I understand. Listen, it's been a long 6 time and there's a lot going on, so I -- we're 7 just trying to get to the bottom of what happened 8 and when it happened and the best you can answer, 9 that's what you can do. 10 MS. JONES: Catherine? Catherine, 11 could we take a little break? 12 MS. SMITH: Sure. 13 VIDEOGRAPHER: The time is now 14 2:54 p.m. and we're going off the record. 15 - - - 16 (Whereupon, brief recess was held off 17 the record.) 18 - - - 19 VIDEOGRAPHER: The time is now 3:06 20 p.m. and we're back on the record. 21 BY MS. SMITH: 22 Q. All right. 23 So, Mr. Bender, we were discussing 24 May -- end of May 2020. So I want to go back to</p>
<p style="text-align: right;">Page 272</p> <p>1 Q. Do you think that was in the year 2020? 2 A. Oh, yes. 3 Q. Okay. 4 And just the least we can narrow it down 5 a little bit. 6 A. I understand. 7 Q. Was it -- do you think it was in the 8 summertime, fall, winter, or do you know? 9 A. I don't want to say no, because it had 10 to be -- but it had to be some time after the -- 11 the press release was made. 12 Q. Okay. 13 So sometime after June of 2020? 14 A. Yes. 15 Q. Okay. 16 Do you know at the time that you had 17 this conversation with Defendant Halcavage, do you 18 remember where he was parking? Was he parking in 19 the lower lot or had he been changed to the upper 20 lot? 21 A. No. Lower lot. 22 Q. Okay. All right. 23 So it was definitely before his parking 24 spot had been changed to the upper lot?</p>	<p style="text-align: right;">Page 274</p> <p>1 your -- this interview of Jane Doe 2 that 2 afternoon. 3 I think we've established, Jane Doe 3 4 and Jane Doe 4 were in -- in that interview, 5 correct? 6 A. Correct. 7 Q. And do you recall Jane Doe 3 and/or Jane 8 Doe 4 or Ms. Twigg telling you that, in fact, Jane 9 Doe 3 had received an e-mail from Jane Doe 1 the 10 night before, which she forwarded to Ms. Twigg and 11 that's what she alerted Ms. Twigg to the morning 12 of May 22, 2020? 13 A. Yeah. Ms. Twigg had told me that later, 14 yes. 15 Q. Okay. 16 And do you recall in Jane Doe 2's 17 interview that Jane Doe 3 and/or Jane Doe 4 raised 18 the fact that given the e-mail that they had seen 19 from Jane Doe 1, the allegations and the fact that 20 the upper lot was empty due to employee furloughs, 21 that they that day, Friday May 22, 2020, had 22 parked in the upper lot to avoid Defendant 23 Halcavage? 24 A. I do not.</p>

<p>Page 275</p> <p>1 Q. Okay.</p> <p>2 So I just want to make sure the record</p> <p>3 is clear, you don't recall, but is it that they</p> <p>4 could have told you that?</p> <p>5 MS. JONES: Object to the form.</p> <p>6 You can answer.</p> <p>7 THE WITNESS: Then their spots</p> <p>8 would have -- their spots would have already been</p> <p>9 moved.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Well, they weren't formally moved, but I</p> <p>12 guess my question is: Could it be possible that</p> <p>13 Jane Doe 2 and Jane Doe 3 told you that on that</p> <p>14 one day, Friday, May 22, 2020, they parked in the</p> <p>15 upper lot?</p> <p>16 MS. JONES: Object to the form.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: I don't recall that.</p> <p>19 I'm not saying it's not beyond the realm of</p> <p>20 possibility because we discussed them moving the</p> <p>21 spots after that, so it would have been odd,</p> <p>22 but...</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Okay.</p>	<p>Page 277</p> <p>1 home, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. All right.</p> <p>4 At any point, did you offer Jane Doe 3</p> <p>5 or Jane Doe 4 to work from home?</p> <p>6 A. I did not.</p> <p>7 Q. At any point did you offer Jane Doe 2 or</p> <p>8 Jane Doe 1 to work from home?</p> <p>9 A. They weren't coming to work as it was.</p> <p>10 They were still on furlough.</p> <p>11 Q. Well, at some point though they were</p> <p>12 recalled from furlough, correct?</p> <p>13 A. Correct.</p> <p>14 Q. All right.</p> <p>15 MS. SMITH: So I want to --</p> <p>16 actually on that note, it should be in that stack</p> <p>17 of papers, it's going to be 96 and 235. And it</p> <p>18 will today's Exhibit-221.</p> <p>19 - - -</p> <p>20 (Bates Stamped 96 and 235 marked as</p> <p>21 Exhibit-221 for identification.)</p> <p>22 - - -</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Just going to generally start with do</p>
<p>Page 276</p> <p>1 And did Jane Doe 3 or Jane Doe 4 during</p> <p>2 Jane Doe 2's interview, inform you that they were</p> <p>3 concerned about coming into contact with Defendant</p> <p>4 Halcovage given the allegations?</p> <p>5 A. Again, I don't remember that.</p> <p>6 Q. All right.</p> <p>7 I know you said sometime in 2020 and</p> <p>8 before Defendant Halcovage's spot was moved to the</p> <p>9 upper lot, you did ask him if he would work from</p> <p>10 home, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Did you make that request because you</p> <p>13 believed it was possible for him to work from</p> <p>14 home?</p> <p>15 MS. JONES: Object to the form.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: It would make</p> <p>18 everybody's life easier if he did. He didn't</p> <p>19 think that he could, but there are a number of</p> <p>20 things that -- that he could have done. It was</p> <p>21 just a suggestion I made, it was something that</p> <p>22 was -- was offered.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. And he refused or declined to work from</p>	<p>Page 278</p> <p>1 you recognize this document, this first page,</p> <p>2 which is 96?</p> <p>3 MS. JONES: Could you scroll down a</p> <p>4 little bit, Matt, please.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MS. JONES: Thank you.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Do you recognize this document, Mr.</p> <p>9 Bender?</p> <p>10 A. Yes.</p> <p>11 MS. SMITH: Okay. And, Matt, if</p> <p>12 you can just scroll up to the next page, just</p> <p>13 momentarily.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. This page, I'll represent to you, Mr.</p> <p>16 Bender, just for ease, is the same as 96, except</p> <p>17 it's for Jane Doe 1 as opposed to Jane Doe 2.</p> <p>18 Do you recognize this one as well?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 And, again, they're the same other than</p> <p>22 who it's addressed to.</p> <p>23 But in -- on June 30th, by letter, did</p> <p>24 you notify Jane Doe 2 and Jane Doe 1 that they</p>

<p style="text-align: right;">Page 279</p> <p>1 would be expected to return to work remotely on  2 July 6, 2020, at 8:30 a.m.?  3 A. As all employees were that were  4 furloughed, yes.  5 Q. Okay.  6 So that was going to be my next  7 question. So this is not unique to Jane Doe 2 and  8 Jane Doe 1, it was any employee who was -- any  9 county employee who was furloughed at that time  10 was being recalled back to work, correct?  11 A. Correct.  12 Q. Were all furloughed employees recalled  13 back to remote work or were some recalled back to  14 in-person work?  15 A. No. Quite frankly I expected everybody  16 to come back to work.  17 Q. Well, this letter states, you're  18 expected to work -- return to work, parenthesis,  19 remotely, closed parenthesis, on July 6, 2020, at  20 8:30 a.m.; does it not?  21 A. Where does it say that?  22 Q. It's the first paragraph, the -- the end  23 of Line 1.  24 A. Okay.</p>	<p style="text-align: right;">Page 281</p> <p>1 they were to return to in-person work?  2 A. Only at the end of the year.  3 Q. And are you talking about when there was  4 discussions and/or accommodations made for them to  5 work from the 410 Building?  6 A. That is correct.  7 Q. Okay.  8 So from their return -- so between April  9 of 2020 when they were furloughed and June --  10 well, July 6th of 2020, when this letter was  11 issued, Jane Doe 2 and Jane Doe 1 were furloughed  12 and were not to conduct any work on behalf of the  13 county, correct?  14 A. Correct.  15 Q. Okay.  16 And then July 6, 2020, and the end of  17 2020 when there were discussions about the 410  18 Building, Jane Doe 2 and Jane Doe 1 were permitted  19 to work remotely, correct?  20 A. That was the intention, yes.  21 Q. All right.  22 So then going back to May of 2020, at  23 any point after Friday, May 22, 2020, did you talk  24 with Jane Doe 1 in any capacity?</p>
<p style="text-align: right;">Page 280</p> <p>1 Q. So were they being recalled into the  2 courthouse to work or were they being recalled to  3 just begin work in a remote location?  4 A. Well, it would appear that it says  5 remotely.  6 Q. Okay.  7 So, again, my question is: Were all  8 furloughed employees recalled to a remote work  9 status or were some of the furloughed employees  10 recalled to an in-person work status?  11 A. Yeah. I would say most were in person.  12 Very few could work remotely.  13 Q. Okay.  14 But Jane Doe 1 and Jane Doe 2 were  15 informed that they were recalled to a remote  16 status, correct?  17 A. Uh-huh.  18 Q. Is that a yes?  19 A. That's what it says, yes. I'm sorry.  20 Q. It's okay.  21 At any point after this letter or these  22 letters were sent to Jane Doe 2 and Jane Doe 1, do  23 you recall ever sending or anyone ever sending  24 Jane Doe 2 and Jane Doe 1 a letter saying that</p>	<p style="text-align: right;">Page 282</p> <p>1 A. No.  2 Q. On May 22, 2020, or maybe that Monday  3 the 25th, did you go to Jane Doe 4's office and  4 discuss her parking with her?  5 A. I don't recall that. I did recall  6 talking to her outside in the -- in the lower  7 parking lot, saying that -- give me some time, but  8 I will find spots for them up there.  9 Q. Do you remember when that was?  10 A. Probably some time during that week. I  11 don't recall the day.  12 Q. Okay. All right.  13 So I just want to clarify a few things.  14 So you testified earlier that after you spoke with  15 Ms. Twigg, she went to talk with Jane Doe 3 and  16 Jane Doe 4 and you -- that's when you reached out  17 to the other commissioners and the judge, the  18 president judge. And then subsequent to that was  19 Jane Doe 2's interviews.  20 At any point before Jane Doe 2's  21 interview, did you speak with Ms. Twigg about her  22 discussions with Jane Doe 3 or Jane Doe 4?  23 A. Did not.  24 Q. After Jane Doe 2's interview, but before</p>

<p style="text-align: right;">Page 283</p> <p>1 the end of the workday on the 22nd, did you speak</p> <p>2 with Ms. Good -- Ms. Twigg about her conversations</p> <p>3 with Jane Doe 2 or Jane Doe 4?</p> <p>4 A. Jane Doe 3 and Jane Doe 4, you mean?</p> <p>5 Q. Jane Doe 3 and Jane Doe 4. I apologize.</p> <p>6 Thank you.</p> <p>7 A. I don't recall. There were a lot of</p> <p>8 conversations that day. I just don't recall.</p> <p>9 Q. The -- and I'm sorry if I asked this</p> <p>10 question, at no point after May 22, 2020, did you</p> <p>11 offer Jane Doe 4 or Jane Doe 3 to work from home,</p> <p>12 correct?</p> <p>13 A. I did not.</p> <p>14 Q. Do you know if anyone on behalf of the</p> <p>15 county offered them that?</p> <p>16 A. I don't believe so, no.</p> <p>17 Q. Do you know why?</p> <p>18 A. Did they request it? I mean, that's</p> <p>19 a -- that's a question. I'm sorry. If they would</p> <p>20 have requested it, we would have reviewed it.</p> <p>21 Q. So it your testimony that a request by</p> <p>22 them to work from home was not posed to you?</p> <p>23 A. I do not recall that being posed to me,</p> <p>24 no.</p>	<p style="text-align: right;">Page 285</p> <p>1 and George Halcovage.</p> <p>2 Q. Okay.</p> <p>3 Did anything else happen on Friday,</p> <p>4 May 22, 2020, with regards to this investigation</p> <p>5 or the allegations that you can recall, that we</p> <p>6 haven't yet discussed?</p> <p>7 A. I can't recall.</p> <p>8 Q. Okay.</p> <p>9 Other than speaking with Defendant</p> <p>10 Halcovage on Monday about his access to the</p> <p>11 courthouse, did you do anything or have any</p> <p>12 conversations related to the allegations or this</p> <p>13 investigation?</p> <p>14 A. With George?</p> <p>15 Q. At all, with anyone?</p> <p>16 A. No.</p> <p>17 Q. At any point did you have any</p> <p>18 conversations with County Sheriff Groody about</p> <p>19 Defendant Halcovage and his access to the</p> <p>20 courthouse?</p> <p>21 A. On a personal level, no. He and I</p> <p>22 didn't discuss it. He came down and met with me</p> <p>23 and Debra Twigg, I think Brian Tobin was there and</p> <p>24 I think Commissioner Hess and Hetherington were</p>
<p style="text-align: right;">Page 284</p> <p>1 Q. So you don't remember having any</p> <p>2 conversations regarding whether or not they could</p> <p>3 work from home?</p> <p>4 A. I don't recall that.</p> <p>5 Q. During the -- the Friday May 22, 2020,</p> <p>6 meeting of you, Ms. Twigg, and Mr. Roth, there</p> <p>7 were discussions about, you know, the next steps</p> <p>8 in the investigation and interviews to be</p> <p>9 conducted; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Were -- did the discussions include who</p> <p>12 should be interviewed or who would be interviewed?</p> <p>13 A. That, Glenn and Debra were going to work</p> <p>14 out.</p> <p>15 Q. Okay.</p> <p>16 So there wasn't any list of witnesses or</p> <p>17 people to be interviewed that was discussed during</p> <p>18 that meeting, correct?</p> <p>19 A. Not at that time.</p> <p>20 Q. All right.</p> <p>21 Did Ms. Twigg or Defendant Roth ever</p> <p>22 discuss with you who they decided to interview?</p> <p>23 A. Well, I think at the time, Ms. Smith, we</p> <p>24 were more concerned with interviewing Jane Doe 1</p>	<p style="text-align: right;">Page 286</p> <p>1 there.</p> <p>2 Q. Okay.</p> <p>3 And what was discussed?</p> <p>4 A. He was going to move George's spot or he</p> <p>5 was going to require George to be wanded each --</p> <p>6 each day and I -- there was things he wanted to do</p> <p>7 in terms of George -- I think his spot was still</p> <p>8 going to be downstairs, but he would get in the</p> <p>9 elevator and call upstairs and they come down and</p> <p>10 wand him and wand his contents. And I thought</p> <p>11 that was -- he said he felt George was a -- was a</p> <p>12 risk.</p> <p>13 And that he said at the time, that he</p> <p>14 was -- his wife was leaving him and that the</p> <p>15 church didn't want him to attend services, those</p> <p>16 turned out not to be true. But I didn't think</p> <p>17 George was a threat to bring anything harmful into</p> <p>18 the courthouse, but -- but he did.</p> <p>19 So then after that, then George got in</p> <p>20 in the morning and had to call up to security and</p> <p>21 get wanded before he came into the building.</p> <p>22 Q. There were, in fact, subsequent</p> <p>23 interviews done by Ms. Twigg and/or Defendant</p> <p>24 Roth, correct?</p>



<p>Page 287</p> <p>1 A. I would assume so, yes.</p> <p>2 Q. Okay.</p> <p>3 And you did not participate in any of</p> <p>4 those --</p> <p>5 A. I did not.</p> <p>6 Q. -- correct?</p> <p>7 A. I did not.</p> <p>8 Q. That includes the interview of Jane Doe</p> <p>9 I, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And it also includes the interview of --</p> <p>12 interviews of Defendant Halcavage, correct?</p> <p>13 A. Correct.</p> <p>14 Q. How often would you speak with Ms. Twigg</p> <p>15 about her ongoing investigation in this matter?</p> <p>16 A. Well, Ms. Twigg and I and Glenn would</p> <p>17 come over, we'd probably meet daily just to see</p> <p>18 where we were with different things and when an</p> <p>19 interview was conducted, we would discuss in</p> <p>20 general context what was said.</p> <p>21 Q. And at some point, I mean, we looked at</p> <p>22 it earlier, there was a draft final report that</p> <p>23 Ms. Twigg drafted in regards to her findings in</p> <p>24 the investigation, correct?</p>	<p>Page 289</p> <p>1 to believe.</p> <p>2 Q. But did you have any reason to</p> <p>3 disbelieve or think that Jane Doe 3 or Jane Doe 4</p> <p>4 would make any -- make up any of the allegations</p> <p>5 against Defendant Halcavage?</p> <p>6 MS. JONES: Object to that form.</p> <p>7 But you can answer.</p> <p>8 THE WITNESS: I did not.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Okay.</p> <p>11 Shortly after, I think it was the very</p> <p>12 next day after Ms. Twigg's -- I think it was the</p> <p>13 press release, so let me strike that.</p> <p>14 There was a press release issued at some</p> <p>15 point regarding the investigation, the</p> <p>16 allegations, and the findings, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And in that report, in the press</p> <p>19 release, it indicated that Commissioner</p> <p>20 Halcavage -- the county believed he had violated</p> <p>21 multiple county policies, correct?</p> <p>22 A. That is correct.</p> <p>23 Q. And around that time either right after</p> <p>24 Ms. Twigg's report or the press release, there was</p>
<p>Page 288</p> <p>1 A. Correct.</p> <p>2 Q. And based off of her findings, she</p> <p>3 determined that Defendant Halcavage had violated</p> <p>4 multiple county policies, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Did you agree with Ms. Twigg's</p> <p>7 conclusion?</p> <p>8 A. I did.</p> <p>9 Q. Did you agree that Defendant Halcavage's</p> <p>10 conduct as it relates to Jane Doe 3 and Jane Doe 4</p> <p>11 was a violation of county policy?</p> <p>12 A. Yes. If what they said was true, that</p> <p>13 is true, yes, and so that was in her report as</p> <p>14 well, so...</p> <p>15 Q. Okay.</p> <p>16 Did you have any reason to disbelieve</p> <p>17 any of the allegations that were made against</p> <p>18 Defendant Halcavage?</p> <p>19 A. Don't know if I'd classify it as that,</p> <p>20 Ms. Smith. But it was -- it was certainly hard to</p> <p>21 comprehend. I mean, I was there every day,</p> <p>22 Ms. Smith, and, you know, I -- I didn't -- I</p> <p>23 didn't see what they were saying. So it was kind</p> <p>24 of hard to believe, but the whole thing was hard</p>	<p>Page 290</p> <p>1 some allegations or reports that Defendant</p> <p>2 Halcavage had climbed from the lower lot to the</p> <p>3 upper lot, correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Okay.</p> <p>6 Do you remember when that was?</p> <p>7 A. The date, no.</p> <p>8 Q. Okay.</p> <p>9 Do you remember when you learned of it?</p> <p>10 A. I do.</p> <p>11 Q. Was it the same day that he had</p> <p>12 allegedly done that?</p> <p>13 A. Well, did you send an e-mail out about</p> <p>14 that, Ms. Smith? I'm trying to figure out how</p> <p>15 I -- no, I'm not -- yes, I am asking you a</p> <p>16 question.</p> <p>17 Okay. Let me rephrase that.</p> <p>18 I said I had thought we had gotten an</p> <p>19 e-mail from someone that George had done this.</p> <p>20 And I called up Brian Tobin, the chief deputy</p> <p>21 sheriff, and asked if he could get me a recording</p> <p>22 of the camera on that particular day.</p> <p>23 Q. Okay.</p> <p>24 Did he get you a recording of the</p>



<p>1 camera?</p> <p>2 A. He did.</p> <p>3 Q. Okay.</p> <p>4 And did you view it?</p> <p>5 A. And what, ma'am?</p> <p>6 MS. JONES: Did you view it?</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Did you view the recording?</p> <p>9 A. We did, Debra Twigg and I.</p> <p>10 Q. Okay.</p> <p>11 How many camera angles were there?</p> <p>12 A. One.</p> <p>13 Q. Right.</p> <p>14 And did you see Defendant Halcovage</p> <p>15 emerging in the video from what had to be the</p> <p>16 embankment from the lower lot to the upper lot?</p> <p>17 MS. JONES: Object to the form.</p> <p>18 You can witness.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Okay.</p> <p>22 That embankment, I'm going to -- I'm</p> <p>23 going to call it for lack of a better word, would</p> <p>24 you describe it as fairly steep?</p>	<p>Page 291</p> <p>1 recall with Defendant Halcovage about it?</p> <p>2 A. What are you doing, George. What --</p> <p>3 what -- what was the point of coming up the bank.</p> <p>4 Q. What was his response?</p> <p>5 A. That nobody was coming down to wand him,</p> <p>6 to let him in, despite repeated calls. So he</p> <p>7 decided he would walk up the bank to come in the</p> <p>8 courthouse.</p> <p>9 Q. Okay.</p> <p>10 What was your assessment of that</p> <p>11 justification?</p> <p>12 MS. JONES: Object to the form.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: Repeat that, please.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. What was your thoughts on that -- on</p> <p>17 Defendant Halcovage's justification?</p> <p>18 MS. JONES: Object to the form</p> <p>19 again.</p> <p>20 But you can answer.</p> <p>21 THE WITNESS: I wouldn't have done</p> <p>22 it.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. And why wouldn't you have done?</p>
<p>Page 292</p> <p>1 A. Yes.</p> <p>2 Q. Would you describe it as dangerous?</p> <p>3 A. No.</p> <p>4 Q. Have there been conversations by county</p> <p>5 officials about putting up a fence because of the</p> <p>6 plain or the -- the incline of that?</p> <p>7 A. I'm not aware of that. There are car</p> <p>8 bumps right there, so for a car to go down over</p> <p>9 it, not too many people walk along the edge of it,</p> <p>10 they would slip and fall down. And we haven't to</p> <p>11 this date put one there.</p> <p>12 Q. Okay.</p> <p>13 But are you aware that there's been</p> <p>14 conversations about maybe putting a fence there?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Okay.</p> <p>17 And after you viewed the video what, if</p> <p>18 anything, did you do?</p> <p>19 A. Well, we waited and we spoke to George</p> <p>20 about it, you know.</p> <p>21 Q. Who is we?</p> <p>22 A. Debra and I. Maybe I did first.</p> <p>23 Q. Okay.</p> <p>24 What was the conversation that you</p>	<p>Page 294</p> <p>1 A. Because there's a -- there's a path that</p> <p>2 goes up diagonal, that makes it less of an incline</p> <p>3 and you can walk up the driveway, so...</p> <p>4 Q. Do you think -- I know we talked about</p> <p>5 appearance of impropriety -- do you think it was</p> <p>6 just something that could appear to be an issue,</p> <p>7 given that allegations against him at that point?</p> <p>8 MS. JONES: Object to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: I really don't know.</p> <p>11 He wanted to get into the courthouse, that was the</p> <p>12 quickest way up, I get that. Would I have climbed</p> <p>13 up that way, no, because for sure, my pants would</p> <p>14 have gotten dirty.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. All right. And I'm sorry I'm jumping</p> <p>17 around a little bit. I am trying to keep it as</p> <p>18 sustained as possible.</p> <p>19 But just going back to that Friday,</p> <p>20 May 22, 2020, you did speak with Commissioner</p> <p>21 Hess, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And what did you speak with Commissioner</p> <p>24 Hess about, what was the contents of the</p>

<p>Page 295</p> <p>1 conversation?</p> <p>2 A. I told him basically what Debra had told</p> <p>3 me, that there were serious allegations against</p> <p>4 Commissioner Halcovage of a -- of a sexual</p> <p>5 relationship with a county employee, including</p> <p>6 inside the courthouse.</p> <p>7 Q. And what was his response?</p> <p>8 A. Like mine, you know, you're</p> <p>9 flabbergasted. I know that's not a good word to</p> <p>10 use, Ms. Smith, but all I can tell you is that</p> <p>11 this was incredible that nobody would have thought</p> <p>12 this would happen and it was -- you know, he was</p> <p>13 upset about it.</p> <p>14 Q. Okay.</p> <p>15 Was he -- when you say upset, was he</p> <p>16 angry, was he sad, what do you mean by upset; can</p> <p>17 you further describe that?</p> <p>18 A. Well, until the investigation concluded,</p> <p>19 you don't know for sure. This was an allegation,</p> <p>20 so, you know, he certainly was upset by it. And I</p> <p>21 told him what we were doing and he was satisfied</p> <p>22 with our procedure.</p> <p>23 Q. Okay.</p> <p>24 Were there any discussions about</p>	<p>Page 297</p> <p>1 Q. Right.</p> <p>2 A. And so the amazing thing was he was</p> <p>3 worried that night that I was coming up to -- that</p> <p>4 he did something wrong. And I said, no, you</p> <p>5 didn't do anything wrong, so I laid it out what</p> <p>6 happened. So I told him again where we were with</p> <p>7 the investigation, what we planned to do, and he</p> <p>8 was okay with that, with our procedure.</p> <p>9 Q. And were there any discussions about</p> <p>10 hiring or retaining a third-party investigator to</p> <p>11 conduct the investigation?</p> <p>12 A. There was not.</p> <p>13 Q. In your conversations with Commissioner</p> <p>14 Hess or Hetherington, were there any conversations</p> <p>15 about ensuring that Jane Doe 2, Jane Doe 1, Jane</p> <p>16 Doe 3, and/or Jane Doe 4 safe and secure in their</p> <p>17 working environment?</p> <p>18 A. We did not, no.</p> <p>19 Q. And you also had a conversation with</p> <p>20 president judge, the president judge's last name</p> <p>21 escapes me.</p> <p>22 A. William Baldwin.</p> <p>23 Q. Baldwin. Yup. Thank you.</p> <p>24 The conversation you had with Judge</p>
<p>Page 296</p> <p>1 retaining a third-party investigator to conduct</p> <p>2 the investigation?</p> <p>3 A. There was not.</p> <p>4 Q. I think you said that you couldn't reach</p> <p>5 Hetherington that day, you left him a message.</p> <p>6 But you mentioned maybe going to be his house on</p> <p>7 Saturday --</p> <p>8 A. Yes.</p> <p>9 Q. -- to discuss it?</p> <p>10 Did you, in fact, go to his house on</p> <p>11 Saturday to discuss it?</p> <p>12 A. Yes. My wife and I drove up.</p> <p>13 Q. Okay.</p> <p>14 And did you have a conversation with</p> <p>15 Commissioner Hetherington about the allegations on</p> <p>16 that Saturday?</p> <p>17 A. Yes. My wife stayed in the car, I went</p> <p>18 into his kitchen and laid it out, what all</p> <p>19 happened and what the -- what we knew so far.</p> <p>20 Q. And what was Commissioner Hetherington's</p> <p>21 response?</p> <p>22 A. He was angry. He was only a</p> <p>23 commissioner, understand, for what, a couple of</p> <p>24 weeks.</p>	<p>Page 298</p> <p>1 Baldwin, where did that take place?</p> <p>2 A. In Judge Baldwin's office.</p> <p>3 Q. And that was that same Friday, May 22nd?</p> <p>4 A. Correct.</p> <p>5 Q. And how did that conversation go?</p> <p>6 A. About the same as the others, he was</p> <p>7 just -- just incredulous that this would happen.</p> <p>8 Q. Okay.</p> <p>9 Were there conversations about a</p> <p>10 third-party investigator being retained?</p> <p>11 A. There was not. Again, I reviewed with</p> <p>12 Judge Baldwin what our thoughts were, what we</p> <p>13 planned to do, how we can kind of conduct -- and</p> <p>14 he was okay with that.</p> <p>15 Q. Any conversations about making sure any</p> <p>16 of the plaintiffs felt secure and safe in their</p> <p>17 working environment?</p> <p>18 A. No.</p> <p>19 Q. There are a fair number of people who</p> <p>20 work in the tax assessment and/or tax claim bureau</p> <p>21 offices who were not interviewed, correct?</p> <p>22 A. I don't know who all was interviewed.</p> <p>23 Q. Okay.</p> <p>24 At the time, so May 2020, was</p>

<p>Page 299</p> <p>1 Ms. Tiffany, I think it might have been Myer at 2 that time, Ms. Myer working in one of those 3 offices? 4 A. Yeah. I think she was still here and 5 she would have been in the -- in the tax 6 assessment office, she was a field appraiser. 7 Q. Okay. 8 Was Michelle O'Connell still working for 9 the courthouse at that time? 10 A. I can't recall 2020. I would have to 11 look at her PAR. I'm not going to help you today, 12 Ms. Smith. I get that, but I can't recall. 13 Q. Okay. 14 What about Deb Detweiler, was she 15 working for the county at that time? 16 A. I don't believe so anymore. 17 Q. All right. 18 Deb Dash? 19 A. Yes. 20 Q. Chrissy Zimmerman? 21 A. Yes. 22 Q. Helene O'Connor was still working for 23 the county at that time, correct? 24 A. Yes.</p>	<p>Page 301</p> <p>1 A. In our opinion, that is true. 2 Q. Okay. 3 But you felt, and correct me if I'm 4 wrong, you felt that you had no authority, given 5 he was an elected official, to take any action 6 related thereto, correct? 7 MS. JONES: Object to the form. 8 You can answer. 9 THE WITNESS: Correct. 10 BY MS. SMITH: 11 Q. Okay. 12 Did you refer Defendant Halcovage to any 13 agency that might be able to take action? 14 A. We forwarded the report to the county 15 district attorney, who then forwarded that to the 16 attorney general in Pennsylvania. 17 Q. Who forwarded the report, if you know? 18 A. The district attorney. 19 Q. No. No. I'm sorry. 20 Who from the county forwarded it to the 21 district attorney? 22 A. Mr. Roth. 23 Q. Okay. 24 Was that -- at whose decision,</p>
<p>Page 300</p> <p>1 Q. Do you know if they were not 2 interviewed, what the reason was that they were 3 not interviewed? 4 A. I do not. 5 Q. Do you know, and if you don't, it's 6 okay, do you know if at some point Ms. Twigg felt 7 that she had enough information and that she could 8 determine that there was violation of county 9 policy without interviewing any additional people? 10 MS. JONES: Object to the form. 11 You can answer. 12 THE WITNESS: We probably all felt 13 that. 14 BY MS. SMITH: 15 Q. Okay. 16 So -- well, let me ask you -- you, 17 because you know how you felt, did you feel at 18 some point there was sufficient information to 19 come to a conclusion? 20 A. Yes. 21 Q. Okay. 22 And the conclusion, again, was that 23 Defendant Halcovage had, in fact -- had, in fact, 24 violated multiple county policies, correct?</p>	<p>Page 302</p> <p>1 instruction, request? 2 A. Mine. 3 Q. Who made the decision? 4 A. Mine. 5 Q. Did you believe Defendant Halcovage had 6 engaged in criminal conduct? 7 MS. JONES: Object to form. 8 You can answer. 9 THE WITNESS: I didn't know that, 10 but I felt for completeness, it had to go to the 11 district attorney. If he felt it wasn't, he could 12 do what he wanted. But we felt we had an 13 obligation to at least submit it to him. 14 BY MS. SMITH: 15 Q. All right. 16 Did you ever reach out to any other 17 agency about Defendant Halcovage's conduct? 18 A. I did not. 19 Q. So there was no referral for potential 20 impeachment of Defendant Halcovage, given his 21 conduct? 22 A. No. We did not refer that down there. 23 Q. I think Ms. Twigg's report or at least 24 her press -- the press release, the county's press</p>

<p>1 release, indicated that if Defendant Halcovage had 2 been an employee and not an elected official, he 3 would have been terminated. 4 Is that a fair summary of -- of the 5 press release? 6 A. Well, the language of the press release 7 goes more like that if he were a county employee, 8 he would have certainly been -- had some 9 disciplinary action, up to and including 10 termination. 11 Q. Okay. 12 So if he had been an employee, would you 13 have recommended he be terminated? 14 MS. JONES: Object to the form. 15 But you can answer. 16 THE WITNESS: We would have had a 17 Loudermill hearing. A decision would have been 18 made after that hearing, or a hearing first. 19 BY MS. SMITH: 20 Q. Okay. 21 Well, a Loudermill hearing or a 22 hearing -- 23 A. Yeah. You're not supposed to make a 24 decision until you have the hearing.</p>	<p>Page 303</p>	<p>1 board of commissioners. 2 BY MS. SMITH: 3 Q. Okay. 4 And I'm not trying to be argumentative 5 either. I am just trying to figure out what level 6 of discipline you believe Defendant Halcovage's 7 actions warranted if you had the ability to take 8 such action? 9 MS. JONES: Object to form. 10 You can answer. 11 THE WITNESS: That -- that's 12 difficult to answer, it really is. And I probably 13 would have recommended termination, yes. 14 BY MS. SMITH: 15 Q. Okay. 16 And it's difficult to answer because 17 termination is a -- a severe sanction, correct? 18 MS. JONES: Object to the form. 19 You can answer. 20 THE WITNESS: Well, based on the -- 21 on the preponderance of all the evidence, I think 22 that was the conclusion it would have come to. 23 BY MS. SMITH: 24 Q. Okay.</p>	<p>Page 305</p>
<p>1 Q. Okay. 2 But a Loudermill hearing is a hearing 3 that is held to provide the opportunity for the 4 accused to present their side of the story, 5 correct? 6 A. Correct. 7 Q. Okay. 8 And Defendant Halcovage was essentially 9 afforded that when he was interviewed on two 10 occasions by Ms. Twigg, correct? 11 A. Okay. Yes, I'll accept that. 12 Q. Okay. 13 So I'm asking you, based on your review 14 of the investigation that Ms. Twigg did, her final 15 report, her press release, or the press release, 16 based off of reviewing that, would you have 17 recommended that Defendant Halcovage be terminated 18 if he was an employee? 19 MS. JONES: Object to the form. 20 You can answer. 21 THE WITNESS: I don't want to be 22 argumentative, Ms. Smith, but I would have said 23 that the discipline up to and including 24 termination, and that would have been done by the</p>	<p>Page 304</p>	<p>1 Do you believe that Defendant Halcovage 2 committed misconduct while in office? 3 A. He exhibited inappropriate behavior 4 for -- for an elected official. 5 Q. Would you say inappropriate behavior is 6 misconduct? 7 A. Someone else can make that determine. 8 It's inappropriate behavior for an elected 9 official. 10 Q. I am asking you in your opinion, is 11 inappropriate behavior misconduct? 12 MS. JONES: Object to the form. 13 THE WITNESS: I can agree to that. 14 BY MS. SMITH: 15 Q. At what point did you, if at all, become 16 involved in any conversations regarding relocating 17 Jane Doe 2 and Jane Doe 1 to the 410 Building? 18 A. I would say probably sometime in January 19 of '21. 20 Q. Okay. 21 So as I understand it -- so Ms. Twigg, I 22 think we established earlier, resigned in 23 September of 2020, correct? 24 A. What was the question again, ma'am?</p>	<p>Page 306</p>



<p style="text-align: right;">Page 307</p> <p>1 Q. Ms. Twigg resigned, I think we 2 established earlier, resigned in September of 3 2020? 4 A. Yes. 5 Q. Okay. 6 And then after Ms. Twigg resigned, who 7 became the HR director; who took her role? 8 A. We hired a firm by the name of Hubric 9 Resources and they assigned a woman, Doreen 10 Kutzler, to be the HR director while we did a 11 search for a new one. 12 Q. Okay. 13 And who, if you know, made the decision 14 to retain Hubric Resources for interim HR 15 services? 16 A. Well, the board of commissioners. I had 17 researched whose could provide that. That name 18 came to me of Hubric. I called Mr. Hubric at his 19 office, asked him to come up to the courthouse for 20 a meeting. And then Glenn and I met with him and 21 we probably pulled Lisa Mayhall into it at that 22 time and interviewed him as well. And he agreed 23 that he would -- would that. We were very upfront 24 with him, what was going on in the courthouse and</p>	<p style="text-align: right;">Page 309</p> <p>1 A. Yes. And -- and Deb -- Ms. Twigg, yes, 2 we had a meeting over in the Hoffmann, they were 3 brought completely up to day. They knew exactly 4 the extent of the investigation and the 5 allegations. 6 Q. Okay. 7 And that time, were there any 8 discussions or did Ms. Kutzler ask any questions 9 about what was being done to ensure that the 10 plaintiffs felt safe and secure in their working 11 environment? 12 A. I think she was satisfied that Mr. 13 Halcavage was limited to 8:00 to 5:00 and could 14 not walk about the courthouse without an -- an 15 attendant. 16 Q. So what -- this 8:00 to 5:00, what 17 concerns did that alleviate in your mind? 18 A. We couldn't restrict Mr. Halcavage to 19 come in, it was his volition. But 8:00 to 5:00 20 is -- the courthouse works from 8:30 to 4:30. 21 8:00 to 5:00 would allow him to have a workday. 22 Q. Okay. 23 But it would also allow him to overlap 24 in the courthouse with at least Jane Doe 3 and</p>
<p style="text-align: right;">Page 308</p> <p>1 a contract was put together, which was approved by 2 the board of commissioners. 3 Q. Did that board of commissioners include 4 Defendant Halcavage? 5 A. Yes. 6 Q. Do you think that given the pending 7 allegations and investigation against him, that he 8 should have been involved in that decision? 9 A. He's a sitting commissioner, I had no 10 authority to -- to prevent him from voting. 11 Q. Did you think that he should vote, 12 though? 13 A. Yes. 14 Q. Okay. 15 And so as you testified, Doreen Kutzler 16 gets assigned from Hubric Resources and begins 17 being interim HR director shortly after Ms. Twigg 18 resigned, correct? 19 A. Yeah. I think they had a day or two 20 together. 21 Q. Okay. 22 And did you have any discussions with 23 Ms. Kutzler about the allegations and the 24 investigation into -- into George Halcavage?</p>	<p style="text-align: right;">Page 310</p> <p>1 Jane Doe 4, correct? 2 A. Perhaps if he went out into the hallway, 3 but he was restricted to go out into the hallway. 4 They don't come into the commissioners office as a 5 matter of their daily routine. 6 Q. So as I understand it, sometime -- so -- 7 strike that. 8 Ms. Zula started -- the interim contract 9 with Hubric ended and a full-time HR director, Ms. 10 Zula, was selected and appointed in January 2021, 11 correct? 12 A. Correct. 13 Q. And I think Ms. Zula and Ms. -- Ms. 14 Kutzler or Hubric Resources had some overlap as 15 well, similar to Ms. Twigg and Ms. Kutzler, 16 correct? 17 A. Correct. 18 Q. It's my understanding that prior to Ms. 19 Zula taking on the role, that there were 20 discussions regarding Jane Doe 2 and Jane Doe 1 21 being assigned to the 410 Building, correct? 22 A. Correct. 23 Q. Okay. 24 So if Ms. Kutzler started in January, is</p>



<p>Page 311</p> <p>1 it possible that the 410 Building discussions</p> <p>2 happened earlier?</p> <p>3 A. Perhaps, yes.</p> <p>4 Q. Okay.</p> <p>5 But you don't -- maybe I misunderstood</p> <p>6 your testimony. Did you not get looped into the</p> <p>7 conversations until January or were you kind of</p> <p>8 looped in at the very beginning, you just don't</p> <p>9 recall the exact date?</p> <p>10 A. Yeah, I probably initiated it.</p> <p>11 Q. Okay.</p> <p>12 And why did you initiate it?</p> <p>13 A. Because there was no work product</p> <p>14 being -- the work from home was not working.</p> <p>15 Q. And how did you come to that</p> <p>16 determination?</p> <p>17 A. Well, towards the end of the year, there</p> <p>18 were two things that happened, is that towards the</p> <p>19 end of 2020, I received an e-mail from the state</p> <p>20 saying that the STEB reports were not completed</p> <p>21 from February, so the whole year from February on,</p> <p>22 the STEB reports were not completed. That pretty</p> <p>23 much is -- is -- is Jane Doe 1's entire job.</p> <p>24 So it would appear to me then that the</p>	<p>Page 313</p> <p>1 So the STEB reports, how did you learn</p> <p>2 or come to the conclusion that they weren't being</p> <p>3 submitted?</p> <p>4 A. We got an e-mail from State of</p> <p>5 Pennsylvania, State Tax Equalization Board sent an</p> <p>6 e-mail to the commissioners or a letter to the</p> <p>7 commissioners.</p> <p>8 Q. Okay.</p> <p>9 At any point, did you go to Jane Doe 3</p> <p>10 or Jane Doe 4 and ask them about the delinquent</p> <p>11 STEB reports?</p> <p>12 A. They were aware of that. They got their</p> <p>13 own letter.</p> <p>14 Q. I'm -- I'm not asking if they got their</p> <p>15 own letter.</p> <p>16 I am asking, did you ever go to them and</p> <p>17 ask them about the delinquency?</p> <p>18 A. I did not.</p> <p>19 Q. Did you ever go to Jane Doe 1 and ask</p> <p>20 her about what was causing the delinquency?</p> <p>21 A. I did not.</p> <p>22 Q. Did you -- at the time that you proposed</p> <p>23 this 410 Building alternative or had a discussion</p> <p>24 with Ms. Kutzler about it and whether it was a</p>
<p>Page 312</p> <p>1 working from home was not working out. So -- and</p> <p>2 she was paid for that whole last quarter with no</p> <p>3 work product. That's not acceptable.</p> <p>4 So I went to Doreen and asked for what</p> <p>5 would be -- is a reasonable accommodation putting</p> <p>6 them in a building outside of the courthouse that</p> <p>7 we can secure and she agreed that it would be a</p> <p>8 reasonable accommodation. So I asked the board to</p> <p>9 make that decision and -- and when we did, we</p> <p>10 found two offices down in the 410 Building and</p> <p>11 they were going to be assigned, that was going to</p> <p>12 be their office.</p> <p>13 And then if-if a work product wasn't</p> <p>14 produced or if they didn't come to work, they</p> <p>15 wouldn't get paid, but for a whole year, a work</p> <p>16 product wasn't produced.</p> <p>17 We also discovered at that time that</p> <p>18 Jane Doe 2 was not -- was also not producing a</p> <p>19 work product. So the working from home, although</p> <p>20 was good in one sense, was not because a</p> <p>21 product -- it wasn't working.</p> <p>22 Q. Okay.</p> <p>23 I want to -- my favorite phrase, I want</p> <p>24 to unpack that a little bit.</p>	<p>Page 314</p> <p>1 reasonable accommodation, did you know that Jane</p> <p>2 Doe 1 and Jane Doe 2 felt that they had not been</p> <p>3 supplied or provided with adequate supplies to</p> <p>4 complete their jobs from home?</p> <p>5 MS. JONES: Object to the form.</p> <p>6 You can answer.</p> <p>7 THE WITNESS: That was not</p> <p>8 communicated. They had -- we had felt they had</p> <p>9 sufficient devices to complete their tasks.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. What devices did they have that you</p> <p>12 believe were sufficient for them to their tasks?</p> <p>13 A. Jane Doe 2 had an iPad and that's all</p> <p>14 she needed to complete her work. She could -- and</p> <p>15 she was to meet people outside of the building to</p> <p>16 hand in her work at the end of the day. She was</p> <p>17 not ding that?</p> <p>18 Jane Doe 1 was provided a laptop.</p> <p>19 Q. Are you aware that Jane Doe 2 has -- had</p> <p>20 requested a laptop to better perform her job</p> <p>21 duties for the court -- for the county?</p> <p>22 A. I was not. Everybody else in the field</p> <p>23 appraiser was using an iPad. And what she asked</p> <p>24 for was a larger screen, which she was provided.</p>

<p>Page 315</p> <p>1 Q. Do you know how long after she requested</p> <p>2 the larger screen that she was provided it?</p> <p>3 A. I do not.</p> <p>4 Q. Other than the delinquent STEB reports,</p> <p>5 are you aware of any other issues with Jane Doe</p> <p>6 1's work performance around the end of 2020?</p> <p>7 A. That was her prime function.</p> <p>8 Q. Okay.</p> <p>9 So the answer might be no and if it is,</p> <p>10 it is. If it's not, please let me know. But is</p> <p>11 there any other issues with Jane Doe 1's job</p> <p>12 performance?</p> <p>13 A. He wasn't performing her job.</p> <p>14 Q. So you don't believe she was performing</p> <p>15 any job?</p> <p>16 A. No. Her STEB reports was her job and</p> <p>17 she wasn't completing them.</p> <p>18 Q. Well, is that the only job duty of a</p> <p>19 real estate market analyst?</p> <p>20 A. Pretty when. And the only thing she did</p> <p>21 when she was in the courthouse, she also worked</p> <p>22 the desk or, you know, worked the counter when</p> <p>23 people would come in, she would work the counters.</p> <p>24 Q. Do you know if those STEB reports were,</p>	<p>Page 317</p> <p>1 you get communication from them if your report is</p> <p>2 not due for the -- for the prior month, you get a</p> <p>3 communication. They want those reports.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Okay.</p> <p>6 But all of 2021 STEB reports were, in</p> <p>7 fact, submitted by the state's hard and fast</p> <p>8 deadline, correct?</p> <p>9 MS. JONES: Object to the form.</p> <p>10 THE WITNESS: They were, not by</p> <p>11 Jane Doe 1.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Okay.</p> <p>14 By who?</p> <p>15 A. Jane Doe 3.</p> <p>16 Q. Okay.</p> <p>17 Jane Doe 3 and Jane Doe 4?</p> <p>18 A. That's what they had indicated, yes.</p> <p>19 Q. Okay.</p> <p>20 And, in fact, what they indicated was</p> <p>21 that they had worked, despite -- so strike that.</p> <p>22 Jane Doe 3 and Jane Doe 4 in 2020 were</p> <p>23 exempt employees, correct?</p> <p>24 A. They did what?</p>
<p>Page 316</p> <p>1 in fact, not provided to the state timely?</p> <p>2 A. Yes.</p> <p>3 Q. Well, there's a -- what is the deadline</p> <p>4 for the STEB reports, do you know?</p> <p>5 A. They're due monthly.</p> <p>6 Q. But not for the month proceeding,</p> <p>7 correct?</p> <p>8 A. I don't know off the top -- I don't</p> <p>9 know.</p> <p>10 Q. Okay.</p> <p>11 And there is -- are you aware a hard and</p> <p>12 fast deadline for STEB reports at the end of the</p> <p>13 year?</p> <p>14 MS. JONES: Object to the form.</p> <p>15 You can answer.</p> <p>16 THE WITNESS: But they weren't</p> <p>17 completed.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Well, I'm asking, are you aware that</p> <p>20 there's a hard and fast deadline at the end of the</p> <p>21 year for STEB reports?</p> <p>22 MS. JONES: Object to the form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: Perhaps, but you --</p>	<p>Page 318</p> <p>1 Q. They were exempt employees, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Meaning that no matter the number of</p> <p>4 hours they worked, they still made the same amount</p> <p>5 of money, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. And Jane Doe 3 and Jane Doe 4, in some</p> <p>8 form, reported that they worked a significant</p> <p>9 amount of overtime in 2020 to ensure that the</p> <p>10 county met the STEB deadlines, correct?</p> <p>11 MS. JONES: Object to form.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: It was a drop-dead</p> <p>14 deadline, yes, at February 28th, that is correct.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. And -- and Jane Doe 3 and Jane Doe 4</p> <p>17 indicated that they worked significant amount</p> <p>18 of -- I don't want to call it overtime because</p> <p>19 it's not overtime because they don't get paid for</p> <p>20 it -- but they worked significant hours beyond</p> <p>21 their typical working hours to that ensure the</p> <p>22 county met that deadline, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And in your opinion, is that what a</p>

<p style="text-align: right;">Page 319</p> <p>1 supervisor is supposed to do to ensure that their</p> <p>2 office meets deadline in whatever way necessary?</p> <p>3 A. Correct.</p> <p>4 Q. So Jane Doe 3 and Jane Doe 4 stepped up</p> <p>5 as supervisors during that time period while Jane</p> <p>6 Doe 1 was having some issues, correct?</p> <p>7 MS. JONES: Object to the form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: Yes. But they could</p> <p>10 have done that during the year. You can get on a</p> <p>11 computer and track every day what STEB reports</p> <p>12 are. You can track every day what page of the</p> <p>13 report is finished. So nobody must have looked at</p> <p>14 anything from February to the -- to the following</p> <p>15 February.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Well -- so, Mr. Bender, are you aware</p> <p>18 that as a result of the global pandemic COVID-19,</p> <p>19 some of those deadlines for the STEB reports</p> <p>20 were -- were stayed or -- or paused?</p> <p>21 A. That was not indicated in that letter.</p> <p>22 Q. Okay.</p> <p>23 Did you ever discuss STEB reports with</p> <p>24 Jane Doe 3 or Jane Doe 4?</p>	<p style="text-align: right;">Page 321</p> <p>1 someone else, correct?</p> <p>2 A. She submits them to the state as far as</p> <p>3 I know.</p> <p>4 Q. They don't have to be approved or signed</p> <p>5 off by a supervisor within the office?</p> <p>6 A. That I don't know because the -- all I</p> <p>7 know is that you submit them online to the state.</p> <p>8 Q. Okay.</p> <p>9 Do you know, does Glenn Roth in his</p> <p>10 role, have to approve them at all?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 The tax assessment office lost -- I</p> <p>14 think Tiffany Myer left in 2020, correct, or was</p> <p>15 on maternity leave at least in 2020?</p> <p>16 A. Correct.</p> <p>17 Q. And did Tiffany Myer hold a CPE license?</p> <p>18 A. She did.</p> <p>19 Q. Other than Ms. Myer and Ms. -- well,</p> <p>20 strike that.</p> <p>21 Jane Doe 1 also held a CPE license,</p> <p>22 correct?</p> <p>23 A. She was not a field appraiser, however.</p> <p>24 Q. Right.</p>
<p style="text-align: right;">Page 320</p> <p>1 A. I did not.</p> <p>2 Q. Okay.</p> <p>3 In 2020, the tax assessment or tax</p> <p>4 claim -- and/or tax claim office lost a few</p> <p>5 employees, correct?</p> <p>6 MS. JONES: I'm sorry. Could you</p> <p>7 repeat that?</p> <p>8 BY MS. SMITH:</p> <p>9 Q. In 2020, the tax claim bureau and/or the</p> <p>10 tax assessment office lost some employees,</p> <p>11 correct?</p> <p>12 A. In tax assessment I believe so, yes.</p> <p>13 Q. Okay.</p> <p>14 And just so the record is clear, tax</p> <p>15 assessment is where Jane Doe 1 and Jane Doe 2</p> <p>16 worked, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And that is the office that's</p> <p>19 responsible for the STEB reports, correct?</p> <p>20 A. Jane Doe 1 specifically is responsible</p> <p>21 for the STEB reports.</p> <p>22 Q. Okay.</p> <p>23 Well, Jane Doe 1 is responsible for the</p> <p>24 STEB reports, but she submits them for review to</p>	<p style="text-align: right;">Page 322</p> <p>1 But Jane Doe 1 held a CPE license,</p> <p>2 correct?</p> <p>3 A. Okay. Yes.</p> <p>4 Q. Okay.</p> <p>5 And Jane Doe 3 held a CPE license,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Other than those three in the year 2020,</p> <p>9 are you aware of any other assessment employees</p> <p>10 who have held CPE licenses?</p> <p>11 A. I'm am not.</p> <p>12 Q. And then Ms. Myer left. Did she resign</p> <p>13 or did she go on maternity leave in 2020?</p> <p>14 A. She may have gone on maternity leave and</p> <p>15 then she left the state.</p> <p>16 Q. So she did both in 2020?</p> <p>17 A. I don't know. It could be 2021 --</p> <p>18 Q. Okay.</p> <p>19 A. -- but she has left the state, yes.</p> <p>20 Q. Okay.</p> <p>21 But she was out for a period of time</p> <p>22 leaving only Jane Doe 3 and Jane Doe 1 with CPE</p> <p>23 license holders in the assessment office, correct?</p> <p>24 A. Yes.</p>

<p>Page 323</p> <p>1 Q. All right.</p> <p>2 And do you know, does a real estate</p> <p>3 market analyst or someone who completes STEB</p> <p>4 reports, are they required to hold a CPE license?</p> <p>5 A. That I don't know.</p> <p>6 Q. But individuals within the assessment</p> <p>7 office, some of the -- the job titles are requirer</p> <p>8 to hold CPE licenses, correct?</p> <p>9 A. The field appraisers, yes.</p> <p>10 Q. Okay.</p> <p>11 The field appraisers, is that what you</p> <p>12 said?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 So at -- when Ms. Myer went out on</p> <p>16 maternity leave or whenever she was out for</p> <p>17 whatever reason during 2020, Jane Doe 3 was left</p> <p>18 with no CPE-licensed field appraisers, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Jane Doe 3 was also overseeing the tax</p> <p>21 claim bureau at that time, correct?</p> <p>22 A. Correct.</p> <p>23 Q. All right.</p> <p>24 Helene O'Connor, in 2020 she was a</p>	<p>Page 325</p> <p>1 Q. Did someone else express that?</p> <p>2 A. There was a contract put in for 450 an</p> <p>3 hour, she was making 40, the commissioners would</p> <p>4 not approve that, but they approved it at \$40 an</p> <p>5 hour, her same rate she was getting. On a</p> <p>6 subsequent interview with Ms. Kutzler, Helene</p> <p>7 indicated that she never asked for a raise.</p> <p>8 Q. Were you in the interview with Ms.</p> <p>9 Kutzler and Ms. O'Connor?</p> <p>10 A. I was not, no. Okay.</p> <p>11 Q. No, no, it's okay.</p> <p>12 A. All right.</p> <p>13 Q. I wasn't there either, so I am just</p> <p>14 trying to clarify so I know what happened.</p> <p>15 So someone told you that Ms. O'Connor</p> <p>16 told Ms. Kutzler that she never asked for a raise?</p> <p>17 A. Correct.</p> <p>18 Q. Who told you that?</p> <p>19 A. Ms. Kutzler.</p> <p>20 Q. And you believe that Ms. Kutzler -- I'm</p> <p>21 sorry -- you believe Ms. O'Connor was approved for</p> <p>22 \$40 an hour?</p> <p>23 A. I know she was, yes.</p> <p>24 Q. Okay.</p>
<p>Page 324</p> <p>1 contractor, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Because she had been an employee, had</p> <p>4 resigned, and had come back to do per diem</p> <p>5 contract work, right?</p> <p>6 A. Correct.</p> <p>7 Q. Okay.</p> <p>8 And do you remember when Ms. O'Connor</p> <p>9 came back to do per diem contract work?</p> <p>10 A. I do not.</p> <p>11 Q. Do you know -- well, let me ask this:</p> <p>12 Do you know when she resigned?</p> <p>13 A. I don't have the actual date, no.</p> <p>14 Q. Was it before COVID-19?</p> <p>15 A. Good question. I don't know.</p> <p>16 Q. Okay.</p> <p>17 In any event, there were some issues or</p> <p>18 discussions regarding Ms. O'Connor's rate of pay,</p> <p>19 correct?</p> <p>20 MS. JONES: I object to the form.</p> <p>21 But you can answer.</p> <p>22 THE WITNESS: She never expressed</p> <p>23 that, no.</p> <p>24 BY MS. SMITH:</p>	<p>Page 326</p> <p>1 In any event, Ms. O'Connor eventually</p> <p>2 declined to extend her contract, did she not?</p> <p>3 A. Well, she decided to just go into</p> <p>4 retirement. I think there were two -- two</p> <p>5 contracts with -- with -- with Helene.</p> <p>6 Q. Right.</p> <p>7 So there was -- so she comes back as a</p> <p>8 per diem. There's a contract for that. That</p> <p>9 contract ends and she -- I was under the</p> <p>10 impression she didn't then sign a second one?</p> <p>11 A. I don't know. I thought that she did.</p> <p>12 They approved one at the commissioners meeting for</p> <p>13 another \$40. And then after that one ended, she</p> <p>14 left or maybe before then, but she left at some</p> <p>15 point in '21.</p> <p>16 Q. She left in '21.</p> <p>17 She left before the offices were</p> <p>18 restructured, though, that we can agree on, right?</p> <p>19 A. Correct.</p> <p>20 Q. Okay.</p> <p>21 And Deb Detweiler was employed in the</p> <p>22 assessment office as well?</p> <p>23 A. Yes.</p> <p>24 Q. And she resigned in June of 2020,</p>



<p>Page 327</p> <p>1 correct?</p> <p>2 A. 2020, I don't know. If you're looking</p> <p>3 at something, then I'll take your word for it, but</p> <p>4 she did resign, yes.</p> <p>5 MS. SMITH: Okay. And I can mark</p> <p>6 it as Exhibit-222. It's going to be Bates stamped</p> <p>7 SC467.</p> <p>8 THE WITNESS: We can agree that she</p> <p>9 did resign.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Okay.</p> <p>12 Do you know if it was in 2020?</p> <p>13 Let me say this, if the county has</p> <p>14 produced a doc -- a resignation letter from her</p> <p>15 dated June -- June 5, 2020, any reason to believe</p> <p>16 that that's not when she resigned?</p> <p>17 A. That's good enough for me, Ms. Smith.</p> <p>18 Q. Okay. All right.</p> <p>19 So fair to say that Jane Doe 3 lost a</p> <p>20 few employees in the assessment office in 2020,</p> <p>21 correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay.</p> <p>24 There were a number of vacant positions</p>	<p>Page 329</p> <p>1 that she had?</p> <p>2 A. She never -- she never put it on the</p> <p>3 agenda before the board. There was nothing I</p> <p>4 could sign. She had the authority from me to go</p> <p>5 out and seek that, she didn't do that. Then it</p> <p>6 was then she complained to the commissioners and I</p> <p>7 assigned Lisa Mayhall to do that. Lisa Mayhall</p> <p>8 then went out and reached out to a dealership to</p> <p>9 get cars, but at no time were they put on the</p> <p>10 agenda, so I didn't sign for any vehicles.</p> <p>11 Q. Well, I thought that everything that was</p> <p>12 going to be on the agenda had to go through the</p> <p>13 county administrator?</p> <p>14 A. It did, but nothing came through me.</p> <p>15 Q. Okay.</p> <p>16 So, again, is it your testimony that</p> <p>17 Jane Doe 3 never submitted --</p> <p>18 A. An agenda item.</p> <p>19 Q. Is it your testimony that Jane Doe 3</p> <p>20 never submitted a request for you to approve or</p> <p>21 place on the agenda, paperwork that she had</p> <p>22 prepared regarding the purchase or lease of</p> <p>23 vehicles for her field appraisers?</p> <p>24 A. I don't recall that.</p>
<p>Page 328</p> <p>1 in her office during that time, correct?</p> <p>2 A. Correct.</p> <p>3 Q. At any point, did you have any</p> <p>4 discussions with Jane Doe 3 or Jane Doe 4 about</p> <p>5 how to go about fulfilling the vacancies and</p> <p>6 ensuring the efficient operations of the offices</p> <p>7 they oversaw?</p> <p>8 A. There was an offer made in January of</p> <p>9 2021, she had said she was going to reorganize the</p> <p>10 office, do we have a problem with that. And I</p> <p>11 authorized Doreen to send her an e-mail stating</p> <p>12 that we'd be willing to discuss any time.</p> <p>13 Q. At some point did Jane Doe 3 make a</p> <p>14 request to you about county vehicles for the</p> <p>15 assessment office field appraiser?</p> <p>16 A. In the last meeting that I had with --</p> <p>17 with Jane Doe 3, she received the authority from</p> <p>18 me to go out and get vehicles.</p> <p>19 Q. And she prepared the paperwork for those</p> <p>20 vehicles, the purchase or release of those</p> <p>21 vehicles, correct?</p> <p>22 A. She did not.</p> <p>23 Q. You're saying you never received a</p> <p>24 request by Jane Doe 3 to authorize the paperwork</p>	<p>Page 330</p> <p>1 Q. Okay.</p> <p>2 Do you recall Jane Doe 3 communicating</p> <p>3 with you regarding the purchase or lease or</p> <p>4 contract for copiers and printers for her offices?</p> <p>5 A. No. But I received an e-mail from Cyan</p> <p>6 Sky that Michael Deprello, I think his name is,</p> <p>7 about a contract with that. I told him we are not</p> <p>8 going to entertain that at this time. There are a</p> <p>9 number of -- of printers or copiers that were</p> <p>10 going to be coming up the following year. I said</p> <p>11 we are going to be extending that contract for --</p> <p>12 we went from Toshiba and we were looking to go to</p> <p>13 another company. So I wanted to maximize the</p> <p>14 number of copiers that were going to be on that</p> <p>15 list.</p> <p>16 So we didn't renew the veterans affairs.</p> <p>17 We didn't renew the one that were five or six down</p> <p>18 in children and youth, nor did we renew the ones</p> <p>19 in the tax claim office. So I had a list and we</p> <p>20 put those all up for a quote in '21.</p> <p>21 Q. Okay.</p> <p>22 And were other -- were replacement</p> <p>23 printers or copiers given to the tax claim office?</p> <p>24 A. They extended their current contract for</p>



<p>Page 331</p> <p>1 another year and -- and, yes, they had received 2 new -- a copier. 3 Q. When was the -- I thought you said that 4 the contract with Cyan Sky was not extended? 5 A. It was -- no, no, they had a contract 6 with Digital Leasing Company for a Toshiba copier. 7 And they had proposed buying one from Cyan Sky and 8 I didn't want to do that at that time because we 9 had a number of Toshiba's. So I wanted to go out 10 in the market, we had about maybe 30 copiers that 11 we could get, we could get a better deal doing it 12 in bulk, so we did. 13 And then the next year I solicited a 14 quote from various companies and we signed a new 15 contract. So instead of five years, they had 16 theirs six. 17 MS. SMITH: Let's just take a 18 few-minute break real quick. We can go off the 19 record. 20 VIDEOGRAPHER: The time is now 4:06 21 p.m. and we're going off the record. 22 --- 23 (Whereupon, brief recess was held off 24 the record.)</p>	<p>Page 333</p> <p>1 you talk any notes -- 2 A. I did not. 3 Q. -- at that point? 4 Okay. 5 Subsequent to May 22, 2020, did you take 6 any notes in regards to the allegations or 7 investigations concerning Defendant Halcovage? 8 A. I did not. 9 Q. So that would include your conversations 10 that you had with Commissioner Hess, Commissioner 11 Hetherington, and President Judge Baldwin? 12 A. Correct. 13 Q. All right. 14 We had talked about or you had testified 15 about restrictions that Sheriff Groody had placed 16 On commissioner Halcovage. And you talked about 17 wandering him and wandering -- Sheriff Groody or the 18 sheriffs wandering Defendant Halcovage and wandering 19 Defendant Halcovage's belongings. 20 Do you remember that testimony? 21 A. Yes. 22 Q. And at any point, were you made aware 23 that there was, at least allegations, that 24 Defendant Halcovage had circumvented Sheriff</p>
<p>Page 332</p> <p>1 --- 2 VIDEOGRAPHER: The time is now 3 4:18 p.m. and we're back on the record. 4 BY MS. SMITH: 5 Q. Okay. 6 Mr. Bender, I want to cover a few things 7 that we -- we talked about. 8 So going back to May 22, 2020. When you 9 spoke -- when numerous individuals spoke or 10 interviewed Jane Doe 2, did you take any notes 11 during her interview? 12 A. I did not. 13 Q. When you spoke with Defendant Halcovage 14 thereafter, did you take any notes? 15 A. I did -- I did not. When you say speak 16 with Mr. Halcovage, is about when his interview 17 was going to be, because I didn't interview Mr. 18 Halcovage. 19 Q. No, I know you didn't -- 20 A. Okay -- 21 Q. -- interview him, but I though you said 22 you spoke with him, one thing was about his access 23 and then restrictions to his access to the 24 courthouse and -- and those conversations. Did</p>	<p>Page 334</p> <p>1 Groody's instructions or restrictions? 2 MS. JONES: Object to the form. 3 You can answer. 4 THE WITNESS: I'm not aware of 5 that. 6 BY MS. SMITH: 7 Q. Okay. 8 So no one ever told you that Defendant 9 Halcovage was having other staff bring bags into 10 the courthouse for him? 11 A. Yes. He had asked -- 12 Q. Okay. 13 A. -- Mary Beth Heffner, her had asked her 14 to go down and get his bags and she did it one 15 time, told her she's not to do that. 16 Q. Did you ever speak with Defendant 17 Halcovage about that? 18 A. Yes. 19 Q. What was that conversation? 20 A. I told him he's not to do that. 21 Q. What was his response? 22 A. That he would not. 23 Q. At some point did you learn that the 24 plaintiffs had requested one or two days -- access</p>

<p style="text-align: right;">Page 335</p> <p>1 to the courthouse one or two days per week --</p> <p>2 actually, I should strike that.</p> <p>3 At some point did you learn that Jane</p> <p>4 Doe 2 and Jane Doe 1 specifically requested one or</p> <p>5 two days per week that they could come to the</p> <p>6 courthouse when Defendant Halcovage was not there</p> <p>7 to work in the courthouse to get their job duties</p> <p>8 done?</p> <p>9 A. I know Jane Doe 2 had -- had come into</p> <p>10 the house on several occasions, yes.</p> <p>11 Q. Okay.</p> <p>12 But were you aware that Jane Doe 1 and</p> <p>13 Jane Doe 2 had made that request?</p> <p>14 A. I think they made a request to come into</p> <p>15 the building.</p> <p>16 Q. One or two days per week when Defendant</p> <p>17 Halcovage wasn't there?</p> <p>18 A. But I can't dictate when Commissioner</p> <p>19 Halcovage comes in the building.</p> <p>20 Q. Okay.</p> <p>21 But all I'm asking is were you aware --</p> <p>22 A. Yes.</p> <p>23 Q. -- that that was a request that they had</p> <p>24 made?</p>	<p style="text-align: right;">Page 337</p> <p>1 A. Correct.</p> <p>2 Q. At any point during your employment with</p> <p>3 the county, did you prepare -- and not related to</p> <p>4 Defendant Halcovage or any of the plaintiffs, but</p> <p>5 at any point did you prepare a statement or an</p> <p>6 incident report regarding anything that ever</p> <p>7 happened at the county?</p> <p>8 MS. JONES: I'm sorry. Did he ever</p> <p>9 in his career prepare an incident report?</p> <p>10 MS. SMITH: Correct.</p> <p>11 MS. JONES: I'll object to the</p> <p>12 form.</p> <p>13 You can answer it. It seems overly</p> <p>14 broad, but go ahead.</p> <p>15 THE WITNESS: I'm unaware.</p> <p>16 MS. SMITH: Okay. I am going to</p> <p>17 mark -- should be in this packet in front of you.</p> <p>18 It's 14. I'll mark this one as 222. And just for</p> <p>19 the record, I started to mark 222 earlier, but it</p> <p>20 will not -- that one will not be 222, Bates</p> <p>21 stamped 14 will, in fact, be 222.</p> <p>22 - - -</p> <p>23 (Bates Stamped 14 marked as Exhibit-222</p> <p>24 for identification.)</p>
<p style="text-align: right;">Page 336</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And did you ever discuss that request</p> <p>4 and option with Defendant Halcovage? Did you ever</p> <p>5 say to him, do you mind coming -- one or two days</p> <p>6 per week not coming in?</p> <p>7 A. No.</p> <p>8 Q. Do you know anyone -- anyone on behalf</p> <p>9 of the courthouse who asked him to do that?</p> <p>10 A. I do not.</p> <p>11 Q. At any point were you made aware that</p> <p>12 there was a request, that the plaintiffs be</p> <p>13 notified, specifically Jane Doe 2 and Jane Doe 1</p> <p>14 or Jane Doe 2 and Jane Doe 1 through Ms. Twigg and</p> <p>15 Jane Doe 4, of days that Defendant Halcovage had</p> <p>16 business elsewhere so that they could rearrange</p> <p>17 their schedules to come into the courthouse on</p> <p>18 those days?</p> <p>19 A. I'm not aware of that.</p> <p>20 Q. So I'm assuming based on your answer,</p> <p>21 that you then never discussed having Defendant</p> <p>22 Halcovage notify someone so that the plaintiffs</p> <p>23 could be notified of dates he would not be in the</p> <p>24 courthouse?</p>	<p style="text-align: right;">Page 338</p> <p>1 - - -</p> <p>2 THE WITNESS: Okay. I see it.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Okay.</p> <p>5 Do you recognize this document?</p> <p>6 A. I do.</p> <p>7 Q. Is that your signature on, I don't want</p> <p>8 to say the bottom, but the bottom of the</p> <p>9 paragraph?</p> <p>10 A. It is.</p> <p>11 Q. Is that also your signature at the top</p> <p>12 or is that someone else's handwriting? Yes, I see</p> <p>13 where you're pointing. Yes, that's what -- to the</p> <p>14 right of the confidential stamp.</p> <p>15 A. That's someone else's.</p> <p>16 Q. Okay.</p> <p>17 A. If you look at the G, you'll be able to</p> <p>18 see that.</p> <p>19 Q. I thought they looked different, but one</p> <p>20 is a signature, one is handwriting, so I just</p> <p>21 wanted to clarify.</p> <p>22 Do you know if -- the one that's not</p> <p>23 your handwriting, is that potentially because this</p> <p>24 is something that's in your personnel file?</p>

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<p>1 A. I don't know.</p> <p>2 Q. Okay.</p> <p>3 Do you know if this is a document that's</p> <p>4 in your personnel file?</p> <p>5 A. I don't know that either.</p> <p>6 Q. Okay.</p> <p>7 Did you prepare this report?</p> <p>8 A. I did.</p> <p>9 Q. Did you do this of your own volition or</p> <p>10 at someone's request?</p> <p>11 A. At someone's request.</p> <p>12 Q. Do you know whose request?</p> <p>13 A. Commissioner Gerick Mantura Gallagher.</p> <p>14 Q. All right.</p> <p>15 And do you know why Commissioner --</p> <p>16 former Commissioner Gallagher requested you</p> <p>17 prepare this?</p> <p>18 MS. JONES: Object to the form.</p> <p>19 You can answer.</p> <p>20 THE WITNESS: Because Commissioner</p> <p>21 Gallagher and Melinda Cantor hated each other and</p> <p>22 I felt accosted by Ms. Cantor and I reported that</p> <p>23 to Mark Scarbinsky who reported it to Commissioner</p> <p>24 Gallagher who asked me to write something up and I</p>	<p>1 that I was forced to defend my words and actions,</p> <p>2 which were well documented.</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. You have at this point, meaning today,</p> <p>6 have reviewed the reports of Ms. Twigg regarding</p> <p>7 the plaintiff's allegation against Defendant</p> <p>8 Halcavage, correct?</p> <p>9 MS. JONES: I object to the form.</p> <p>10 You can answer if you can.</p> <p>11 THE WITNESS: Would you repeat that</p> <p>12 then, Ms. Smith.</p> <p>13 MS. SMITH: Sure. Yeah, Matt, you</p> <p>14 can take that exhibit down.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. My question was: As you sit here today,</p> <p>17 have you before today, reviewed the report, the</p> <p>18 interview notes, and the final report of Ms. Twigg</p> <p>19 regarding the investigation into the allegations</p> <p>20 against Defendant Halcavage?</p> <p>21 A. Yes, I've reviewed it.</p> <p>22 Q. Okay.</p> <p>23 So can we agree that you have an</p> <p>24 understanding of what the plaintiffs allegations</p>
Page 340	Page 342
<p>1 did.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Okay.</p> <p>4 And in your employment with the county,</p> <p>5 have you come to learn that it's important to</p> <p>6 document incidents such as this one?</p> <p>7 A. I was not going to document this until</p> <p>8 she asked me to do it. But it is important to</p> <p>9 document, yes, I will agree with that, Ms. Smith.</p> <p>10 Q. All right.</p> <p>11 And so as of least June of 2008, you</p> <p>12 were aware that an incident report such as this</p> <p>13 one could be created and submitted to the county,</p> <p>14 correct?</p> <p>15 A. Okay. Yes.</p> <p>16 Q. All right.</p> <p>17 And in this incident report in about the</p> <p>18 middle, you indicate: As another employee was in</p> <p>19 the room at the time, I was embarrassed by my</p> <p>20 treatment.</p> <p>21 Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. A couple sentences, I think two</p> <p>24 sentences later, it says: I felt humiliated and</p>	<p>1 against Defendant Halcavage include?</p> <p>2 A. I do.</p> <p>3 Q. Do you believe that it is reasonable</p> <p>4 that the plaintiffs felt embarrassed and</p> <p>5 humiliated by Defendant Halcavage's conduct that</p> <p>6 they allege happened?</p> <p>7 MS. JONES: I object to the form.</p> <p>8 You can answer it if you can.</p> <p>9 THE WITNESS: I would have been.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Okay.</p> <p>12 Would you have been emotionally</p> <p>13 distressed if what happened to them happened to</p> <p>14 you?</p> <p>15 MS. JONES: Object to the form.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: I would suppose so.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Throughout the day today, you have</p> <p>20 testified about a number of times that</p> <p>21 Halcavage -- Defendant Halcavage engaged in</p> <p>22 conduct or made a comment that you addressed with</p> <p>23 him; would you agree?</p> <p>24 A. Yes.</p>

<p>Page 343</p> <p>1 Q. Any of those times, did you prepare a</p> <p>2 document similar to the incident report we just</p> <p>3 looked at?</p> <p>4 A. I did not.</p> <p>5 Q. Why?</p> <p>6 A. Because I reported it to HR.</p> <p>7 Q. But you didn't feel the need to then</p> <p>8 document it in a paper form in some manner?</p> <p>9 A. No. It would have been documented by</p> <p>10 HR.</p> <p>11 Q. Did you ever follow up to ensure that HR</p> <p>12 documented it?</p> <p>13 A. I did not.</p> <p>14 MS. SMITH: I am going to mark as</p> <p>15 223 for today's purposes, it's 37. It should also</p> <p>16 be in that stack.</p> <p>17 - - -</p> <p>18 (Bates Stamped 37 marked as Exhibit-223</p> <p>19 for identification.)</p> <p>20 - - -</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Do you recognize -- I'm sorry. I can't</p> <p>23 see on my end. Actually, I don't know if you have</p> <p>24 it in front of you.</p>	<p>Page 345</p> <p>1 Halcovage, did you notify Deputy Chief Brian Tobin</p> <p>2 or Sheriff Groody?</p> <p>3 A. They were well aware of these incidents.</p> <p>4 Q. Did you yourself speak with them about</p> <p>5 what they knew?</p> <p>6 A. I had spoken to Brian Tobin, whether he</p> <p>7 had any knowledge or any videos of George bringing</p> <p>8 women into the courthouse.</p> <p>9 Q. What was Brian Tobin's response?</p> <p>10 A. That he did not.</p> <p>11 Q. Who has access --</p> <p>12 MS. SMITH: Matt, you can take that</p> <p>13 exhibit down. Thank you.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Who from the county has access to video</p> <p>16 feed or recordings?</p> <p>17 A. The sheriff's department and my office.</p> <p>18 Q. At any point did you instruct the</p> <p>19 sheriff's department to preserve any and all video</p> <p>20 footage that could be preserved at that point, as</p> <p>21 of May of 2020?</p> <p>22 A. Yes.</p> <p>23 Q. Who did you tell to do that?</p> <p>24 A. We contacted Sheriff Groody who</p>
<p>Page 344</p> <p>1 MR. TOWNSEND: He has it now.</p> <p>2 MS. SMITH: Okay. Perfect. Now I</p> <p>3 can see it. Thank you.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Do you recognize this document, Mr.</p> <p>6 Bender?</p> <p>7 A. I do.</p> <p>8 Q. And did you prepare this document?</p> <p>9 A. No.</p> <p>10 Q. In the second to last paragraph it says:</p> <p>11 Gary Bender suggested to Hank to file a complaint</p> <p>12 with the Pottsville police department. Gary also</p> <p>13 said that he will notify Deputy Chief Brian Tobin</p> <p>14 of the incident.</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. After learning of any of the allegations</p> <p>18 against Defendant Halcovage, at any point did you</p> <p>19 suggest to any of the plaintiffs in this matter to</p> <p>20 file a complaint with the Pottsville or other</p> <p>21 police department?</p> <p>22 A. I did not.</p> <p>23 Q. At any point after learning of the</p> <p>24 plaintiffs allegations against Defendant</p>	<p>Page 346</p> <p>1 contacted Johnson Controls to see what extent we</p> <p>2 could save. And there was a limited amount that</p> <p>3 we could save. And after two months I think it is</p> <p>4 gone. So he had got an estimate on that time, we</p> <p>5 did not follow through on that.</p> <p>6 Q. So there was two months of video prior</p> <p>7 to May of 2020 that could have been saved; is that</p> <p>8 correct?</p> <p>9 MS. JONES: Object to the form.</p> <p>10 But you can answer.</p> <p>11 THE WITNESS: Well, in my opinion,</p> <p>12 it goes overwritten then.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Right.</p> <p>15 So at least when you contacted -- I'm</p> <p>16 sorry, I forget who you said, but when you</p> <p>17 contacted whoever -- contacted whoever regarding</p> <p>18 the preservation, you were made aware that at</p> <p>19 least -- or two months could be saved, correct?</p> <p>20 A. Well, at some time after that because we</p> <p>21 got ahold of Johnson Controls to find out how much</p> <p>22 is actually preserved.</p> <p>23 Q. Okay.</p> <p>24 Well, I guess my question is</p>



<p>Page 347</p> <p>1 regarding -- regardless of what could be saved or 2 what was overwritten, was any video footage 3 preserved? 4 A. I'm not aware of that. I would have to 5 talk to the sheriff about that. 6 Q. Okay. 7 But you said you never followed up after 8 that conversation with Johnson Controls, I think 9 is what you said? 10 A. Yeah. To preserve it, all it would have 11 unnecessarily costly. We didn't have the ability 12 to do that. 13 Q. All right. 14 I'm going to go back to the conversation 15 or testimony about the working from home of Jane 16 Doe 2 and Jane Doe 1. And I think in your words, 17 it was not working out. 18 What specifically about Jane Doe 2's 19 working from home was not working out? 20 A. Well, according to her supervisor, she 21 wasn't turning in the necessary reports. 22 Q. When did you learn this? 23 A. Probably in December of 2020. 24 Q. So Jane Doe 2's supervisors would have</p>	<p>Page 349</p> <p>1 Q. And so did -- do you know how many days 2 she utilized to cover time that she did not work? 3 A. I do not. 4 Q. Do you know how many days she did not 5 perform work during which she did not utilize 6 banked time? 7 A. I do not. 8 Q. You indicated that you had a 9 conversation with Ms. Zimmerman after the fact. 10 What do you mean after the fact, when is this -- 11 when did this conversation take place? 12 A. After the offices were separated, I 13 wanted to know where the -- what work was being 14 performed. And she had indicated at the time that 15 Jane Doe 2 turned in very, very little work. 16 Q. So after the offices were restructured, 17 so March of 2021, you had a conversation with 18 Ms. Zimmerman about Jane Doe 2's work performance? 19 A. Yes. 20 Q. And was the conversation about Jane Doe 21 2's work performance post -- the conversation I 22 understand happened in post March of 2021, but 23 were you focused on Jane Doe 2's work 24 performance -- what period of time were you</p>
<p>Page 348</p> <p>1 been Jane Doe 4 and Jane Doe 3, correct? 2 A. Well, I talked to Chrissy Zimmerman 3 after the fact. 4 Q. Okay. 5 I'm asking about December of 2020. 6 A. Uh-huh. 7 Q. Jane Doe 2's supervisors would have Jane 8 Doe 3 and Jane Doe 4, correct? 9 A. Yes. I did not. 10 Q. You did not what? 11 A. I did not talk to them. 12 Q. Okay. 13 So between July 2020 when Jane Doe 2 was 14 recalled from furlough and December of 2020, you 15 did not speak with Ms. Good -- with Jane Doe 3 or 16 Jane Doe 4 about Jane Doe 2's work performance? 17 A. I did not. 18 Q. Did you review Jane Doe 2's time records 19 to determine if she had utilized PTO, vacation, or 20 sick? 21 A. Yes. She had none to give. 22 Q. She had vacation and sick as of July of 23 2020, correct? 24 A. Right.</p>	<p>Page 350</p> <p>1 discussing that, since the restructuring or before 2 the restructuring or what time period was -- 3 A. Even in -- even in 2020, how long has it 4 been a problem. 5 Q. Okay. 6 Ms. Zimmerman prior to the 7 restructuring, was not Jane Doe 2's supervisor, 8 correct? 9 A. But she was well aware of the work that 10 was being performed. 11 Q. How would she be well aware of the work 12 that was being performed? 13 A. Because she worked in that office. 14 Q. Was she privy to e-mails between Jane 15 Doe 2 and Jane Doe 3 or Jane Doe 4? 16 A. I'm unaware of that. 17 Q. Did Ms. -- strike that. 18 Did Ms. Zimmerman go into the field with 19 Jane Doe 2 at all? 20 A. Not that I'm aware of. 21 Q. Did Ms. Zimmerman have access to Jane 22 Doe 2's e-mails? 23 A. I don't think so. 24 Q. Okay.</p>



<p>Page 351</p> <p>1 So tell me then how is it you believe</p> <p>2 Ms. Zimmerman was able to determine what work Jane</p> <p>3 Doe 2 was or was not doing?</p> <p>4 A. I can only tell you what she reported to</p> <p>5 me.</p> <p>6 Q. Okay.</p> <p>7 Did you ever follow up with Jane Doe 3</p> <p>8 or Jane Doe 4 to ask if Ms. Zimmerman's report</p> <p>9 were, in fact, accurate?</p> <p>10 A. I did not.</p> <p>11 Q. Did you ever speak with Jane Doe 2 about</p> <p>12 her work performance?</p> <p>13 A. I did not.</p> <p>14 Q. Post -- post May of 2020?</p> <p>15 A. I did not.</p> <p>16 Q. So Jane Doe 2 -- as I understand your</p> <p>17 testimony earlier, or roughly the end of 2020,</p> <p>18 maybe early 2021, you decided to speak with Ms.</p> <p>19 Kutzler about changing Jane Doe 2 and Jane Doe 1</p> <p>20 from work from home to an alternate location in</p> <p>21 the county, correct, meaning the 410 Building?</p> <p>22 A. Correct.</p> <p>23 Q. And I thought you testified earlier that</p> <p>24 that was because of the work from home, and I want</p>	<p>Page 353</p> <p>1 Q. Not my question, Mr. Bender.</p> <p>2 I'm asking, you testified that the</p> <p>3 reason that the 410 Building was discussed as an</p> <p>4 alternate location was because Jane Doe 2's work</p> <p>5 from home status was not working out.</p> <p>6 Is that not what you testified to?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 So what information did you have when</p> <p>10 the conversation about the 410 Building was</p> <p>11 started, that Jane Doe 2's work from home status</p> <p>12 was not working out?</p> <p>13 A. Well, I guess it was just my desire to</p> <p>14 have that done.</p> <p>15 Q. Okay.</p> <p>16 And why was it your desire to have Jane</p> <p>17 Doe 2 report back to a physical location?</p> <p>18 A. Because she would be there with Jane Doe</p> <p>19 1, there would be two of them there, they might be</p> <p>20 more comfortable that way.</p> <p>21 Q. Well, did you asked Jane Doe 2 or Jane</p> <p>22 Doe 1 if that would make them more comfortable?</p> <p>23 A. I did not.</p> <p>24 Q. Did you ask them what would make them</p>
<p>Page 352</p> <p>1 to focus on Jane Doe 2, the work from home was not</p> <p>2 working out, correct?</p> <p>3 A. Correct. She wasn't reporting to work.</p> <p>4 There was no work product, so we figured if they</p> <p>5 have to come in every day, we could at least show</p> <p>6 a work product, that they were here.</p> <p>7 Q. Right.</p> <p>8 But at that point when the 410 Building</p> <p>9 was brought up, you had not had any conversations</p> <p>10 with Jane Doe 2 or her supervisors about what work</p> <p>11 she was doing, correct?</p> <p>12 A. I did not.</p> <p>13 Q. Jane Doe 2's supervisors had not</p> <p>14 reported any concerns regarding her work product</p> <p>15 to you, had they?</p> <p>16 A. They did not.</p> <p>17 Q. So why is it that you believed at that</p> <p>18 point, not subsequent conversations you had with</p> <p>19 Ms. Zimmerman, but in late 2020, very early 2021,</p> <p>20 what basis did you have to believe that Jane Doe</p> <p>21 2's work from home status was not working out?</p> <p>22 A. Well, it -- the bottom line was the --</p> <p>23 the accommodation at 410 still a reasonable</p> <p>24 accommodation and it was.</p>	<p>Page 354</p> <p>1 more comfortable?</p> <p>2 A. I did not.</p> <p>3 Q. Did you learn that, in fact, that the</p> <p>4 410 Building made Jane Doe 1 and Jane Doe 2 less</p> <p>5 comfortable?</p> <p>6 A. I did not. And why was that? Well,</p> <p>7 nevermind. Strike that question.</p> <p>8 Q. Did you learn that Jane Doe 2 and Jane</p> <p>9 Doe 1 had issues with the state, the physical</p> <p>10 state of their offices?</p> <p>11 A. I saw those complaints. We had that</p> <p>12 office professionally cleaned before they moved in</p> <p>13 the offices -- both offices were occupied for a</p> <p>14 long period of time by someone else, so I didn't</p> <p>15 see an issue.</p> <p>16 Q. Okay.</p> <p>17 So Jane Doe 1's office in 410 Building</p> <p>18 is in a separate location, it's not -- then Jane</p> <p>19 Doe 2's. They're not -- they weren't in one</p> <p>20 office, they were in two separate offices, let's</p> <p>21 start with that.</p> <p>22 A. Correct.</p> <p>23 Q. And they weren't even next door to each</p> <p>24 other, correct?</p>

<p>Page 355</p> <p>1 A. That is correct. Well, the offices are.</p> <p>2 One -- one was a separate entrance.</p> <p>3 Q. Well, so I guess my -- I just want to</p> <p>4 make the record clear, Jane Doe 2 and Jane Doe 1's</p> <p>5 offices in the 410 Building didn't share a wall,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Ms. -- Jane Doe 1 was in the main</p> <p>9 hallway of the main floor and you had to go</p> <p>10 through, I think it's -- is it children and youth</p> <p>11 or..?</p> <p>12 A. Human services.</p> <p>13 Q. Human services, past a few offices to</p> <p>14 get to Jane Doe 1's, correct?</p> <p>15 A. Well, Jane Doe 1's was accessible right</p> <p>16 from the hallway. Jane Doe 2's was accessible in</p> <p>17 the human services complex.</p> <p>18 Q. I think I said Jane Doe 1 twice. I</p> <p>19 think that's where I confused you.</p> <p>20 Jane Doe 1's was accessible from the</p> <p>21 main hall, you had to go into the services office,</p> <p>22 past a few offices to get to Jane Doe 2's office,</p> <p>23 correct?</p> <p>24 A. Correct. That is correct.</p>	<p>Page 357</p> <p>1 MS. SMITH: Well, that's why I am</p> <p>2 asking if he agrees with me. I'm -- I'm -- if I'm</p> <p>3 wrong, you can tell me I'm wrong.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. But there is -- you walk in through</p> <p>6 the -- well, first let's start with this, there's</p> <p>7 a door from the main hallway into the services</p> <p>8 office that requires a keycard, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Jane Doe 1 was not provided a keycard to</p> <p>11 get into that office space, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Okay.</p> <p>14 There's, I think, a long table on the</p> <p>15 right-hand side and then there's an area where</p> <p>16 there's a coffeepot and a fridge, correct?</p> <p>17 A. I don't recall that. It could be. You</p> <p>18 go in and directly into the -- to the right,</p> <p>19 there's a receptionist sits there. To the left</p> <p>20 there's another receptionist. You go into Sharon</p> <p>21 Loves' office and I think Jane Doe 2's was the one</p> <p>22 right after that.</p> <p>23 Q. Okay.</p> <p>24 So there's two receptionists, an office,</p>
<p>Page 356</p> <p>1 Q. There's probably about, I would say</p> <p>2 estimating, a football field distance between the</p> <p>3 two?</p> <p>4 MS. JONES: Object to the form.</p> <p>5 I was there too.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Would you -- I mean, is my distance --</p> <p>8 would you agree Mr. Bender, about maybe a little</p> <p>9 less than a football field away?</p> <p>10 A. 30 feet.</p> <p>11 Q. Okay.</p> <p>12 A. That's not a football field.</p> <p>13 Q. We may have to measure that because I'm</p> <p>14 pretty bad with distances, but I think it's more</p> <p>15 than 30 feet. But, again, there's a number of</p> <p>16 offices and even a -- I think somewhat of a lunch</p> <p>17 area in between the two, correct?</p> <p>18 MS. JONES: I object to the form.</p> <p>19 I mean, I actually object because I</p> <p>20 was there too and I don't agree with your</p> <p>21 characterization. So object to the form, plus I</p> <p>22 have to say, I don't think you're right, so you</p> <p>23 just have to be careful because I think it's</p> <p>24 misleading him.</p>	<p>Page 358</p> <p>1 and then Jane Doe 2's office?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 So there was -- strike that.</p> <p>5 Are you aware that Jane Doe 2 and Jane</p> <p>6 Doe 1 raised concerns about the fact that there</p> <p>7 was no sheriff or swipe card access required --</p> <p>8 strike that. That's -- I am going to ask them</p> <p>9 separately.</p> <p>10 Were you aware that Jane Doe 1 and Jane</p> <p>11 Doe 2 had raised concerns with the fact that there</p> <p>12 was no sheriff in that building?</p> <p>13 A. I was -- I'm not aware of that. There</p> <p>14 were a number of concerns with the cleanliness of</p> <p>15 it, which we addressed.</p> <p>16 Q. Okay.</p> <p>17 Are you aware that Jane Doe 2 and Jane</p> <p>18 Doe 1 -- strike that.</p> <p>19 At some point after the discussions</p> <p>20 began regarding the 410 Building, there was an</p> <p>21 attempt to have Jane Doe 1 and Jane Doe 2 start in</p> <p>22 that building and then it was delayed and they</p> <p>23 didn't actually start in the building until</p> <p>24 January of 2021, correct?</p>

<p>Page 359</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 Are you aware that Jane Doe 2 and Jane</p> <p>4 Doe 1 raised concerns with the fact that the</p> <p>5 public could access that building without a swipe</p> <p>6 card?</p> <p>7 A. I do recall that, yes.</p> <p>8 Q. Okay.</p> <p>9 And did you ever address that concern</p> <p>10 with Jane Doe 2 or Jane Doe 1?</p> <p>11 A. I did not.</p> <p>12 Q. Are you aware that Jane Doe 1 and Ms.</p> <p>13 Casey raised concerns regarding the fact that they</p> <p>14 could not park in the parking lot for that</p> <p>15 building?</p> <p>16 A. As many other employees can not, yes.</p> <p>17 Q. Okay.</p> <p>18 But are you aware that Jane Doe 1 and</p> <p>19 Jane Doe 2 raised concerns regarding that because</p> <p>20 they felt that it could -- would expose them to</p> <p>21 come into -- potentially come into contact with</p> <p>22 Defendant Halcavage?</p> <p>23 A. They had requested parking, yes.</p> <p>24 Q. Okay.</p>	<p>Page 361</p> <p>1 Doe 1 over into the mental health, drug and</p> <p>2 alcohol area, which is across the hallway. I</p> <p>3 spoke with Elaine Gilbert about that. We decided</p> <p>4 not to do that.</p> <p>5 Q. Why did you decide not to do that?</p> <p>6 A. Because it's space that she needs and I</p> <p>7 didn't want to add another compilation to her,</p> <p>8 so...</p> <p>9 Q. Okay.</p> <p>10 Did you ever discuss with Jane Doe 2 or</p> <p>11 Jane Doe 1 the fact that -- strike that.</p> <p>12 Let me ask you: Did you ever become</p> <p>13 aware that Jane Doe 1 and Jane Doe 2 had a concern</p> <p>14 with feeling ostracized from their colleagues in</p> <p>15 the tax assessment office?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Did you ever discuss that Jane Doe 1 or</p> <p>19 Jane Doe 2?</p> <p>20 A. I did not, but I know Heidi Zula did.</p> <p>21 Q. Okay.</p> <p>22 How do you know that Heidi Zula did</p> <p>23 that?</p> <p>24 A. Because she told me when -- because</p>
<p>Page 360</p> <p>1 And you have the ability to assign</p> <p>2 parking at that building?</p> <p>3 A. Sharon Love assigns parking at that</p> <p>4 building. The spots were filled. I didn't</p> <p>5 countermand her.</p> <p>6 Q. Can -- do you have the ability to --</p> <p>7 A. I probably could have, yes.</p> <p>8 Q. Let me just finish my question.</p> <p>9 As it relates to parking at the 410</p> <p>10 Building, do you have the ability to overrule</p> <p>11 Sharon Love and assign Jane Doe 2 and Jane Doe 1</p> <p>12 parking?</p> <p>13 A. I would think so, yes.</p> <p>14 Q. And you did not do that --</p> <p>15 A. I did not do that.</p> <p>16 Q. -- correct?</p> <p>17 A. That is correct. Sorry. Sorry.</p> <p>18 Q. Okay. It's okay. We're -- we're</p> <p>19 heading towards the end of the day, so we're</p> <p>20 almost there.</p> <p>21 Did you ever reconsider assigning Jane</p> <p>22 Doe 2 or Jane Doe 1 to another location given</p> <p>23 their concerns related to the 410 Building?</p> <p>24 A. At one point I was going to move Jane</p>	<p>Page 362</p> <p>1 Jane Doe 2 had come in on one of the times for a</p> <p>2 write-up and she was concerned about that. And I</p> <p>3 agreed with that, Ms. Smith. You know, when you</p> <p>4 work in an office, there's part of the</p> <p>5 camaraderie. There's part of -- you don't -- you</p> <p>6 are not with it.</p> <p>7 And -- and she just felt that she wasn't</p> <p>8 part of the team anymore, well she wasn't because</p> <p>9 she wasn't in the office. And I always felt</p> <p>10 strongly that we could have protected them in the</p> <p>11 courthouse. They're in an office with -- with</p> <p>12 other people, that -- that George couldn't have</p> <p>13 gone in there. I think there was sufficient</p> <p>14 protocols in place that we could have protected</p> <p>15 them.</p> <p>16 Being in a different office and being --</p> <p>17 working from home, is -- is not healthy, I would</p> <p>18 agree with that. And they should have been in --</p> <p>19 in that office. If they chose not to do that,</p> <p>20 I -- but that's a long answer to your -- to your</p> <p>21 question. I'm sorry about that. But, yes, I</p> <p>22 think it's important that you're in an office with</p> <p>23 other people.</p> <p>24 Q. I know. And I appreciate that.</p>

<p>Page 363</p> <p>1 And in fact, would you agree that given, 2 at least that you felt there was some concerns 3 with their work product, that working in the same 4 office as their supervisor would have been 5 preferable or more ideal? 6 A. Absolutely. 7 Q. Okay. 8 And can you understand or -- and/or 9 appreciate how Jane Doe 2 and Jane Doe 1, given 10 the timing of everything, might have felt that 11 moving them to this ostracized location was 12 retaliation for their complaints? 13 MS. JONES: Object to the form. 14 Don't answer that question. You're 15 asking him to make a legal conclusion. I don't 16 think he should. 17 MS. SMITH: I am asking him to -- 18 to testify to his opinion. Can he understand why 19 they -- 20 MS. JONES: If you can rephrase the 21 question, I'll consider it, but not the way that 22 question was phrased, I am not going to let him 23 answer. 24 BY MS. SMITH:</p>	<p>Page 365</p> <p>1 place with the sheriff, with what we controlled of 2 George Halcovage, that they could have worked in 3 there and had the experience of working in an 4 office. 5 Q. Okay. 6 So -- well, you testified kind of just 7 then and earlier, just a moment ago about -- that 8 you felt that you could have protected them from 9 Defendant Halcovage, meaning -- I think the, we, 10 was meaning the county? 11 A. Yes. I'm sorry, yes. 12 Q. At the time that the 410 Building was 13 discussed and Jane Doe 2 and Jane Doe 1 were 14 assigned there, Defendant Halcovage had climbed 15 the embankment from the lower lot to the upper 16 lot, correct? 17 A. Okay. Yes. 18 Q. Do you agree? 19 A. Yes. 20 Q. And you were made aware that Ms. Good -- 21 I'm sorry -- Jane Doe 3 and Jane Doe 4 were seated 22 in a vehicle where Defendant Halcovage emerged 23 from the top of the embankment; is that correct? 24 A. I was told that, yes.</p>
<p>Page 364</p> <p>1 Q. Do you understand or appreciate that 2 Jane Doe 2 and Jane Doe 1 would have felt that the 3 move to the other building was as a result of them 4 filing -- making their complaints against 5 Defendant Halcovage? 6 MS. JONES: Object to the form. 7 But you can answer. 8 THE WITNESS: I do not. 9 BY MS. SMITH: 10 Q. Okay. 11 Do you understand that Jane Doe 2 or 12 Jane Doe 1 could have felt that if they had never 13 made those reports, they would have not have been 14 moved? 15 MS. JONES: Object to the form. 16 THE WITNESS: I would agree with 17 that, they wouldn't have been moved. 18 BY MS. SMITH: 19 Q. Okay. 20 Were any -- was there any offer by the 21 county for Jane Doe 2 or Jane Doe 1 to work in any 22 location other than the 410 Building? 23 A. They were offered to come back to the 24 assessment office. We felt protocols were in</p>	<p>Page 366</p> <p>1 Q. And in -- at the time that Jane Doe 2 2 and Ms. Ger -- Jane Doe 2 and Jane Doe 1 were 3 assigned to the 410 Building, Defendant Halcovage 4 had circumvented Sheriff Groody's instructions of 5 having -- bringing in his own bags and having them 6 wanded, correct? 7 MS. JONES: Object to the form. 8 You can answer. 9 THE WITNESS: Circumvented how, by 10 coming up the bank? 11 BY MS. SMITH: 12 Q. No. You had said that Ms. Mary Beth 13 Heffner had brought his bag in? 14 A. On one -- okay. Yes. 15 Q. That had happened before Jane Doe 2 and 16 Jane Doe 1 were assigned to the 410 Building, 17 correct? 18 A. I would think so, yes. 19 Q. Okay. 20 And, in fact, once Mr. -- one Defendant 21 Halcovage climbed the embankment on that 22 particular day, he entered the front entrance of 23 the building, correct? 24 A. That is correct.</p>



<p style="text-align: right;">Page 367</p> <p>1 Q. And that was not what restrictions</p> <p>2 Defendant -- Sheriff Groody had imposed upon him,</p> <p>3 correct?</p> <p>4 A. Not at that time.</p> <p>5 Q. Okay.</p> <p>6 Shortly after Jane Doe 2 and Jane Doe 1</p> <p>7 were assigned to the 410 building, Jane Doe 2</p> <p>8 raised an issue of being followed by Defendant</p> <p>9 Halcovage in early January of 2021, correct?</p> <p>10 A. Yes, I'm aware of that.</p> <p>11 Q. Okay.</p> <p>12 And are you aware that Jane Doe 3</p> <p>13 observed Defendant Halcovage -- Jane Doe 3 or Jane</p> <p>14 Doe 4 observed Defendant Halcovage on Jane Doe 2's</p> <p>15 iPad when they were FaceTiming her?</p> <p>16 MS. JONES: Object to the form.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: That is not what they</p> <p>19 said.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Did you speak with them about it?</p> <p>22 A. I've never -- no, I've never seen a</p> <p>23 photo.</p> <p>24 Q. I am not asking whether there was a</p>	<p style="text-align: right;">Page 369</p> <p>1 2's parents' home where Jane Doe 2 resided?</p> <p>2 A. I think that was in the report, yes.</p> <p>3 Q. Okay.</p> <p>4 Are you aware that Defendant Halcovage</p> <p>5 attempted to communicate with Jane Doe 2 through</p> <p>6 Facebook after he learned of the allegations</p> <p>7 against him?</p> <p>8 MS. JONES: I am going to object to</p> <p>9 the form.</p> <p>10 But you can answer.</p> <p>11 THE WITNESS: If that was in the</p> <p>12 report, yes.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Sometime after May of 2020, Defendant</p> <p>15 Halcovage stepped down from his position as</p> <p>16 chairman of the commissioners, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Does July 1, 2020, sound about right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 Do you -- did you discuss that with</p> <p>22 Defendant Halcovage?</p> <p>23 A. No. That was discussed amongst the</p> <p>24 three commissioners.</p>
<p style="text-align: right;">Page 368</p> <p>1 photo.</p> <p>2 Are you aware that Jane Doe 3 and --</p> <p>3 and/or Jane Doe 4 during -- that Jane Doe 2,</p> <p>4 during -- when she believed she was being followed</p> <p>5 by Defendant Halcovage, FaceTimed Jane Doe 3 and</p> <p>6 Jane Doe 4 and they observed Defendant Halcovage</p> <p>7 and/or his car on the FaceTime chat?</p> <p>8 MS. JONES: Object to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: I don't think that</p> <p>11 was expressed to me by Sheriff Groody.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Okay.</p> <p>14 Did you ever speak with Jane Doe 2, Jane</p> <p>15 Doe 3, and/or Jane Doe 4 about that incident?</p> <p>16 A. I did not, no.</p> <p>17 Q. Do you know if anyone else did?</p> <p>18 A. Yeah. Certainly Heidi would have.</p> <p>19 Q. Okay.</p> <p>20 Are you aware that -- I am going to take</p> <p>21 you back in time, sorry, I apologize, May of 2020,</p> <p>22 on the day of May 22, 2020, were you aware that</p> <p>23 Defendant Halcovage, after receiving notification</p> <p>24 of the allegations against him, went to Jane Doe</p>	<p style="text-align: right;">Page 370</p> <p>1 Q. Did you know he was going to step down</p> <p>2 prior to his -- his announcement or it being</p> <p>3 placed on the agenda?</p> <p>4 A. I did.</p> <p>5 Q. Okay.</p> <p>6 Did you discuss that with anyone?</p> <p>7 A. No.</p> <p>8 Q. There has been a number of individuals</p> <p>9 throughout the county, employees and non-employees</p> <p>10 who have called for Commissioner Halcovage's</p> <p>11 resignation.</p> <p>12 Are you aware of that?</p> <p>13 A. I am.</p> <p>14 Q. Are you -- do you believe that</p> <p>15 Commissioner -- Defendant Halcovage should step</p> <p>16 down as a commissioner?</p> <p>17 A. That's up to Commissioner Halcovage.</p> <p>18 Q. If you were Commissioner Halcovage,</p> <p>19 would you step down?</p> <p>20 MS. JONES: Object to the form.</p> <p>21 That's -- that's really speculative.</p> <p>22 MS. SMITH: Are you instructing him</p> <p>23 not to answer?</p> <p>24 MS. JONES: I'm thinking about it.</p>



<p style="text-align: right;">Page 371</p> <p>1 Want to repeat it for me again?</p> <p>2 BY MS. SMITH:</p> <p>3 Q. If you were Commissioner Halcovage,</p> <p>4 would you step down?</p> <p>5 MS. JONES: I will object to the</p> <p>6 form.</p> <p>7 You can answer if you can.</p> <p>8 THE WITNESS: That's a decision</p> <p>9 Commissioner Halcovage has to make. I'm not in</p> <p>10 that situation right now. I don't want to make a</p> <p>11 comment on that.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. One of the individuals who has called</p> <p>14 for -- who has called for Commissioner Halcovage's</p> <p>15 resignation is Commissioner Hess, correct?</p> <p>16 A. And Hetherington.</p> <p>17 Q. Okay.</p> <p>18 Do you support their request for him to</p> <p>19 step down?</p> <p>20 MS. JONES: Object to the form.</p> <p>21 You can answer if you...</p> <p>22 THE WITNESS: They made the</p> <p>23 decision based on how they best can see the</p> <p>24 county.</p>	<p style="text-align: right;">Page 373</p> <p>1 binder in front of you.</p> <p>2 A. What number was that?</p> <p>3 Q. Eighty-five?</p> <p>4 A. Eighty-five. Okay.</p> <p>5 Q. Do you recognize this document?</p> <p>6 A. I do.</p> <p>7 Q. Did you write this letter?</p> <p>8 A. I did.</p> <p>9 Q. And did you write it at your own</p> <p>10 volition or did someone -- did you discuss it with</p> <p>11 someone or did someone tell you to write it?</p> <p>12 A. I felt it was important to put my</p> <p>13 recollection of events to the three other -- to</p> <p>14 the two commissioners.</p> <p>15 Q. Okay.</p> <p>16 And was this letter drafted just from</p> <p>17 memory or did you have notes from which -- on</p> <p>18 which you relied to write it?</p> <p>19 A. I had called Glenn Roth and -- and Debra</p> <p>20 Twigg in on a Saturday to help me with -- with the</p> <p>21 recollection of this.</p> <p>22 Q. Did you review any notes in order to</p> <p>23 compile this letter?</p> <p>24 A. Is reviews that I felt, yes.</p>
<p style="text-align: right;">Page 372</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Did you support their requests?</p> <p>3 A. They made the request. They didn't come</p> <p>4 to me for any consultation on that.</p> <p>5 Q. Well, I'm asking if -- if you support</p> <p>6 their requests?</p> <p>7 MS. JONES: I am going to object to</p> <p>8 the form base on his prior answer.</p> <p>9 You can answer if you can.</p> <p>10 THE WITNESS: It -- again, it was</p> <p>11 their decision to make that call, they're the</p> <p>12 commissioners, I'm not.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Are you asking Mr. Halcovage to step</p> <p>15 down?</p> <p>16 A. I told Commissioner Halcovage at one</p> <p>17 point, if he can't act as a commissioner, then I</p> <p>18 think he should.</p> <p>19 MS. SMITH: Matt, if you can put on</p> <p>20 the screen, prior marked -- priorly marked</p> <p>21 Exhibit-85.</p> <p>22 (Previously marked Exhibit-85.)</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Mr. Bender, if you can turn to that</p>	<p style="text-align: right;">Page 374</p> <p>1 Q. Were those notes you took or notes</p> <p>2 others took?</p> <p>3 A. No. Just daily -- at the end of the</p> <p>4 day, things that were typed -- type up at the end</p> <p>5 of the day.</p> <p>6 Q. Okay.</p> <p>7 So you relied on things that you had</p> <p>8 typed up in order to compile this letter?</p> <p>9 A. Yes. And plus with the help of Debra</p> <p>10 and Glenn.</p> <p>11 Q. Okay.</p> <p>12 And where are those notes that you typed</p> <p>13 up, maintained?</p> <p>14 A. In this letter.</p> <p>15 Q. But you said you relied on notes you</p> <p>16 typed up to write this letter. So there's</p> <p>17 independent documents or -- whether they are</p> <p>18 printed or on Word or whatever, that exist; is</p> <p>19 that what I'm understanding?</p> <p>20 A. There might be, yes.</p> <p>21 Q. Okay.</p> <p>22 And are those maintained on your county</p> <p>23 computer or in a drawer or both? Something else?</p> <p>24 A. I would have to look.</p>

<p>Page 375</p> <p>1 Q. Okay.</p> <p>2 MS. SMITH: We're going to ask</p> <p>3 because I believe those are responsive to a prior</p> <p>4 request that those be produced.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. There was a note -- I can't remember</p> <p>7 where I saw it -- oh, in Ms. Twigg's report</p> <p>8 regarding the interview of Jane Doe 2. There's a</p> <p>9 note about Jane Doe 3 bringing up that she didn't</p> <p>10 want Defendant Halcovage to come into her offices</p> <p>11 anymore, meaning the tax claim and tax assessment</p> <p>12 office.</p> <p>13 Do you recall that being discussed?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Was Defendant Halcovage told that he was</p> <p>17 not to go into the tax claim or tax assessment</p> <p>18 offices?</p> <p>19 A. Yes. He was told he was not to go</p> <p>20 anywhere unaccompanied.</p> <p>21 Q. But was -- was he permitted to go to the</p> <p>22 tax claim and tax assessment offices</p> <p>23 unaccompanied?</p> <p>24 A. I don't think he would have gone there,</p>	<p>Page 377</p> <p>1 Q. So did Doreen Kutzler sign your</p> <p>2 signature at your approval?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 So who wrote this letter?</p> <p>6 A. I think Doreen.</p> <p>7 Q. Okay.</p> <p>8 So she -- did she write it at your</p> <p>9 request?</p> <p>10 A. Yes.</p> <p>11 Q. Did she write it in request -- hold on.</p> <p>12 Did she write at your request or did she write --</p> <p>13 did you request she write it? Wait. I think I</p> <p>14 just --</p> <p>15 A. That was the same thing.</p> <p>16 Q. Did she -- did she come to you and say</p> <p>17 she wanted to write the letter or did you request</p> <p>18 she write the letter?</p> <p>19 A. No, we needed a letter written, yes, so</p> <p>20 I authorized her to write this letter with some</p> <p>21 language in it that would be unmistakable.</p> <p>22 Q. Okay.</p> <p>23 And it's date --</p> <p>24 MS. SMITH: Matt, if you can scroll</p>
<p>Page 376</p> <p>1 no.</p> <p>2 Q. Okay.</p> <p>3 What he would have done or wouldn't have</p> <p>4 done, my question is: Was he told that he was not</p> <p>5 permitted in those offices?</p> <p>6 A. I don't recall specifically that.</p> <p>7 MS. SMITH: Matt, if you can put on</p> <p>8 the screen Exhibit-59.</p> <p>9 (Previously marked Exhibit-59.)</p> <p>10 BY MS. SMITH:</p> <p>11 Q. And, Mr. Bender, if you can turn to the</p> <p>12 previously marked Exhibit-59.</p> <p>13 A. Okay.</p> <p>14 Q. Okay.</p> <p>15 Do you recognize this document?</p> <p>16 A. I do.</p> <p>17 Q. And this is a letter that you wrote to</p> <p>18 Defendant Halcovage, correct?</p> <p>19 A. It's not my signature, but I read it and</p> <p>20 approved it.</p> <p>21 Q. Whose signature is it?</p> <p>22 A. Looks like DW, looks like Doreen's.</p> <p>23 Do you see at the bottom there, it says</p> <p>24 Gary Bender and then DWK.</p>	<p>Page 378</p> <p>1 out.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. December of 2020, December 9th of 2020?</p> <p>4 A. Correct.</p> <p>5 Q. And it's regarding the 410 Building,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. So at least as early as December 9th of</p> <p>9 2020, there was discussions about assigning Jane</p> <p>10 Doe 1 and Jane Doe 2 to that building; is that</p> <p>11 fair?</p> <p>12 A. That is correct.</p> <p>13 Q. All right.</p> <p>14 This letter states: It is the</p> <p>15 expectation of the county that you will not make</p> <p>16 any attempt to enter or conduct any aspect of</p> <p>17 face-to-face meetings with any individuals who are</p> <p>18 working in that facility, meaning the 410</p> <p>19 Building, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay.</p> <p>22 Do you agree with me that this is</p> <p>23 restricting Defendant Halcovage's access to that</p> <p>24 building?</p>

<p>Page 379</p> <p>1 A. Yes.</p> <p>2 Q. Why did you feel you could restrict his</p> <p>3 access to the 410 Building, but not to the</p> <p>4 courthouse?</p> <p>5 A. I didn't think I could, but I wanted the</p> <p>6 language in there.</p> <p>7 Q. Okay.</p> <p>8 Why didn't you put the language in the</p> <p>9 letter -- similar language in the letter about the</p> <p>10 courthouse?</p> <p>11 A. I have no answer for you.</p> <p>12 Q. Then next paragraph, it talks about</p> <p>13 Defendant Halcovage utilizing other</p> <p>14 technological -- if he needed to conduct</p> <p>15 conversations with the 410 Building employees,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. Did you ever send a similar letter to</p> <p>19 Defendant Halcovage about using those same</p> <p>20 alternative technological means to conduct</p> <p>21 business in the courthouse?</p> <p>22 A. I did not.</p> <p>23 Q. Defendant Halcovage, at any -- at some</p> <p>24 point, any point, has participated in</p>	<p>Page 381</p> <p>1 meeting since he's become commissioner, correct?</p> <p>2 A. That is correct.</p> <p>3 May I -- may I say something?</p> <p>4 Q. Sure.</p> <p>5 A. For instance today, you had told me</p> <p>6 today that he had called into the meeting, but</p> <p>7 today if Commissioner Hetherington and Hess were</p> <p>8 there, he could not participate, he could not</p> <p>9 vote.</p> <p>10 Q. He could listen in to the meeting, but</p> <p>11 not vote; is that what I understand?</p> <p>12 A. That is correct.</p> <p>13 Q. If -- if only one commissioner is</p> <p>14 present at a meeting, then one of the non-present</p> <p>15 commissioners could call in for purposes of</p> <p>16 voting; is that what I understand?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay.</p> <p>19 Could both commissioners that weren't --</p> <p>20 if one -- if only one is present, two are not</p> <p>21 present, can both call in and vote?</p> <p>22 A. No. We wouldn't have a meeting that</p> <p>23 day.</p> <p>24 Q. Okay.</p>
<p>Page 380</p> <p>1 commissioners meetings by telephonic means,</p> <p>2 correct?</p> <p>3 A. Only when there's not going to be a</p> <p>4 quorum.</p> <p>5 Q. What do you mean by that?</p> <p>6 A. In other words, the -- for someone --</p> <p>7 like if there are two commissioners there and one</p> <p>8 is just on the road, you can't call in. But let's</p> <p>9 say if Commissioner Hetherington is ill and</p> <p>10 Commissioner Hess is the only one there, then one</p> <p>11 of the two commissioners can call in to make a</p> <p>12 quorum and that's the only circumstance they would</p> <p>13 agree to.</p> <p>14 Q. Okay.</p> <p>15 But Commissioner -- Defendant Halcovage</p> <p>16 has participated telephonically in commissioners</p> <p>17 meetings, correct?</p> <p>18 A. That's a good -- I don't know</p> <p>19 specifically. He may have at one point in time.</p> <p>20 But those are the -- those are the requirements to</p> <p>21 do that.</p> <p>22 Q. Commissioner -- defendant Halcovage has</p> <p>23 missed commissioners meetings, or I should say,</p> <p>24 has not been in attendance for every commissioner</p>	<p>Page 382</p> <p>1 You believe that this is a statutory</p> <p>2 requirement, a county requirement, what -- what's</p> <p>3 your understanding?</p> <p>4 A. It's a county requirement.</p> <p>5 Q. Is that an agreement by the</p> <p>6 commissioners or is it a county policy or</p> <p>7 something else?</p> <p>8 A. It was in agreement by the</p> <p>9 commissioners. At one point they wanted to revise</p> <p>10 that and say if one commissioner was out of town,</p> <p>11 he could still call in. That was not acceptable</p> <p>12 to the other members of the board. It was only if</p> <p>13 a quorum -- you need to make a quorum, could one</p> <p>14 call in.</p> <p>15 Q. So you were employed by the county when</p> <p>16 Frank Stottlemeyer was commissioner, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And you -- at some point both Frank</p> <p>19 Stottlemeyer and Commissioner Halcovage were</p> <p>20 commissioners, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Was there inner doors that connected</p> <p>23 their offices at some point?</p> <p>24 A. And still. It's still there.</p>

<p>Page 383</p> <p>1 Q. Okay.</p> <p>2 Did maintenance at some point close off</p> <p>3 those doors?</p> <p>4 A. Yes. They took the -- the key out of</p> <p>5 the one side, yes.</p> <p>6 Q. Do you know why?</p> <p>7 A. It was at the direction of -- of</p> <p>8 Commissioner Stottlemeyer.</p> <p>9 Q. And do you know why that was</p> <p>10 Commissioner Stottlemeyer's request?</p> <p>11 A. I do.</p> <p>12 Q. Why?</p> <p>13 A. Because he had found a note in there</p> <p>14 with some phone numbers on it and he accused</p> <p>15 Commissioner Halcovage of going in and looking on</p> <p>16 his phone for phone numbers.</p> <p>17 Q. Do you know what Commissioner</p> <p>18 Halcovage's response to those allegations was?</p> <p>19 A. That he did, he was looking for a number</p> <p>20 and he went in there to -- to take a number off</p> <p>21 the phone.</p> <p>22 Q. Are you aware of -- are you familiar</p> <p>23 with someone by the name of Melissa Kalyam --</p> <p>24 A. I am.</p>	<p>Page 385</p> <p>1 A. I'm not aware of that.</p> <p>2 Q. Was there any instruction -- well,</p> <p>3 strike that.</p> <p>4 Who holds possession of county</p> <p>5 electrical devices such as an iPad?</p> <p>6 A. Outside of the individual that's using</p> <p>7 them?</p> <p>8 Q. Yes. Sorry. Thanks for that</p> <p>9 clarification.</p> <p>10 A. MIS.</p> <p>11 Q. Okay.</p> <p>12 Was Melissa Kalyam in her job, somehow</p> <p>13 responsible for distribution of county-issued</p> <p>14 devices?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 Well, would she have the ability to give</p> <p>18 a county-issued iPad to Defendant Halcovage?</p> <p>19 A. I think she would have had to check with</p> <p>20 her supervisor, Ms. Gilbert.</p> <p>21 Q. Were county employees ever instructed to</p> <p>22 not issue Defendant Halcovage any electronic</p> <p>23 devices without approval of someone else?</p> <p>24 A. Not that I'm aware of.</p>
<p>Page 384</p> <p>1 Q. K-A-L-Y-A-M?</p> <p>2 A. Yes.</p> <p>3 Q. She was a county employee, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Where was she employed within the</p> <p>6 county, what department?</p> <p>7 A. Drug and alcohol.</p> <p>8 Q. Was Ms. Kalyam terminated?</p> <p>9 A. She was.</p> <p>10 Q. Do you know why?</p> <p>11 A. At the request of her supervisor, Elaine</p> <p>12 Gilbert, I guess for failing to file correct</p> <p>13 reports with the state and just not conducting</p> <p>14 herself appropriately in her office.</p> <p>15 Q. Are you aware that Ms. Kalyam has</p> <p>16 asserted that Defendant Halcovage requested that</p> <p>17 she give him a county iPad, a request which she</p> <p>18 opposed?</p> <p>19 MS. JONES: I'm sorry. Who was the</p> <p>20 she? Can you say that again.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Are you aware that Melissa Kalyam has</p> <p>23 asserted that Defendant Halcovage asked her for a</p> <p>24 county iPad, a request which she opposed?</p>	<p>Page 386</p> <p>1 Q. Do you know if Defendant Halcovage,</p> <p>2 other than voting publicly, if he had any input of</p> <p>3 Ms. Kalyam being terminated?</p> <p>4 A. He did not.</p> <p>5 Q. I want to talk now about the</p> <p>6 restructuring of the tax claim and tax assessment</p> <p>7 offices.</p> <p>8 Do you know whose idea that was?</p> <p>9 A. Yes. It was mine.</p> <p>10 Q. All right.</p> <p>11 And why was that your idea?</p> <p>12 A. In my opinion, the office was -- needed</p> <p>13 to be restructured. I didn't have the confidence</p> <p>14 that Jane Doe 3 or Jane Doe 4 could do that, based</p> <p>15 on the fact that since June of 2020, they met with</p> <p>16 the commissioners, they refused to work with me.</p> <p>17 They met with Commissioner Hess and with</p> <p>18 Commissioner Hetherington and told them that they</p> <p>19 would not work with me.</p> <p>20 That's unacceptable. And Commissioner</p> <p>21 Hetherington came back to me and told me that and</p> <p>22 he told Jane Doe 3 she has to, but she didn't want</p> <p>23 to. There was a suggestion made that I could work</p> <p>24 through him with her and I said I wouldn't do it</p>



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<p>1 that way.</p> <p>2 With the -- in November of 2020, there</p> <p>3 were -- well, let's back up a little bit because</p> <p>4 this -- this involves you, Ms. Smith, is that one</p> <p>5 of the -- again, we had a -- Ang and I had a good</p> <p>6 relationship, so the last meeting we had, again,</p> <p>7 was over those automobiles.</p> <p>8 And she e-mailed me the one day about</p> <p>9 coming over to talk -- about talking to her --</p> <p>10 something in her office, a restructure. And all I</p> <p>11 sent back was stop over. I got an e-mail back a</p> <p>12 little bit later on that stated that, oh, she just</p> <p>13 went for lunch and saw that Commissioner Halcovage</p> <p>14 was there. And so I said, well, I to leave at</p> <p>15 2:00 today. So I figured we'd meet the next day.</p> <p>16 The next day though I received an e-mail</p> <p>17 from you, and please don't take offense at this, I</p> <p>18 did, but it stated that -- that I was trying to</p> <p>19 lure -- I interpreted it this way, I was trying to</p> <p>20 lure Jane Doe 3 over to the office to be accosted</p> <p>21 by George Halcovage and -- and I was just highly</p> <p>22 insulted by that. And should I have called you</p> <p>23 and addressed it? Well, maybe so, but I did not.</p> <p>24 And so you have to work with</p>	<p>1 bit.</p> <p>2 A. I know, that was a long explanation. I</p> <p>3 get it.</p> <p>4 Q. No. No. No. It's okay. I -- I</p> <p>5 appreciate it. And I'm just going to go through</p> <p>6 some of the things you testified to so I make sure</p> <p>7 I understand.</p> <p>8 So let's start with Joan Price. Joan</p> <p>9 Price was an attorney who was county contracted</p> <p>10 with for review of the assessment office. Is</p> <p>11 that -- do I understand that correctly?</p> <p>12 A. No. She was contracted to help us with</p> <p>13 the upcoming reassessment.</p> <p>14 Q. What do you mean by upcoming</p> <p>15 reassessment?</p> <p>16 A. There was a -- a court case that we were</p> <p>17 going to lose that was going to force us into a</p> <p>18 reassessment, so we do to that, we had to answer</p> <p>19 that. And we now are in the throws of a -- the</p> <p>20 beginning of the reassessment of properties in</p> <p>21 Schuylkill County. So Joan was hired as the</p> <p>22 expert for us.</p> <p>23 Q. So if I -- if I read to you the PAR,</p> <p>24 well, it's not the PAR, it's the agenda, it</p>
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<p>1 administration, you can't be that way. So I felt</p> <p>2 the -- to rebuild the office was not going to</p> <p>3 happen with -- with Jane Doe 3, Jane Doe 4, and</p> <p>4 me. And so the -- we were working with Joan Price</p> <p>5 at the time who happened -- if I am getting too</p> <p>6 long in answering you, stop me.</p> <p>7 Q. No, you're good. Thank you.</p> <p>8 A. On reassessment.</p> <p>9 MS. JONES: She won't stop you.</p> <p>10 You should just answer her questions, though.</p> <p>11 But go ahead, finish your answer.</p> <p>12 It's okay. Go ahead.</p> <p>13 THE WITNESS: So we brought Mr. Alu</p> <p>14 in, Mr. -- Tony Alu was a -- a retired chief</p> <p>15 assessor from Luzerne County. So he came in and</p> <p>16 talked to me about how you rebuild -- me, Glenn</p> <p>17 Roth, and -- and -- and Heidi Zula, how to</p> <p>18 restructure an office. We felt it was a great</p> <p>19 idea. We listened to him and I thought it was</p> <p>20 time to pull the trigger and -- and just</p> <p>21 restructure the offices and so we could get ahold</p> <p>22 and maybe rebuild the tax assessment office.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Okay. I want to unpack that a little</p>	<p>1 states: Requested approval and authorization for</p> <p>2 the execution of a real estate tax assessment</p> <p>3 consultant -- it says consultation agreement with</p> <p>4 Joan R. Price, Esquire, within the Law Firm of</p> <p>5 Eastburn &amp; Grey, P.C., at the hourly rate of 250</p> <p>6 an hour, for the purpose of evaluating the</p> <p>7 county's real -- real estate tax assessment</p> <p>8 procedure and process as it relates to the pending</p> <p>9 countywide reassessment litigation and to such</p> <p>10 other matters deemed necessary by county</p> <p>11 administration and the office of the county</p> <p>12 solicitor.</p> <p>13 So is it your testimony that that does</p> <p>14 not mean that Ms. Price was conducting a review of</p> <p>15 how the assessment office operated?</p> <p>16 A. That wouldn't be my interpretation.</p> <p>17 Q. Okay.</p> <p>18 Did you work with Ms. Price during</p> <p>19 her -- let me strike that.</p> <p>20 Is Ms. Price or her law firm still</p> <p>21 consulting with the county?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 From the time that the consultation</p>



<p style="text-align: right;">Page 391</p> <p>1 agreement started until now, have you worked with</p> <p>2 Ms. Price in -- for that consultation?</p> <p>3 A. Not directly. I have been in the</p> <p>4 meetings that we've had, but I haven't worked with</p> <p>5 her directly.</p> <p>6 Q. Okay.</p> <p>7 Okay.</p> <p>8 So are you aware of Ms. Price ever</p> <p>9 reviewing the operations of the assessment office?</p> <p>10 A. No.</p> <p>11 Q. All right.</p> <p>12 Between May of 2020 and March of 2021</p> <p>13 when the offices were restructured, are you aware</p> <p>14 that there was an agreement by an attorney for the</p> <p>15 county that Jane Doe 3 and Jane Doe 4 would only</p> <p>16 be required to communicate with you through</p> <p>17 e-mail?</p> <p>18 A. That was not my agreement, no.</p> <p>19 Q. Were you aware that an attorney on</p> <p>20 behalf of the county made that agreement?</p> <p>21 MS. JONES: Object to the form.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: I have --</p> <p>24 MS. JONES: Wait. Wait. Wait.</p>	<p style="text-align: right;">Page 393</p> <p>1 was informed and that you've now heard it from</p> <p>2 him. I don't want you to relay what you've</p> <p>3 communicated with, I think that would be</p> <p>4 privileged. If you can answer it without doing</p> <p>5 that, I'll allow you to answer.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Well, who told you that they had</p> <p>8 communicated to me that that would be an</p> <p>9 agreement?</p> <p>10 MS. JONES: Well, I am going to</p> <p>11 object if that calls for him to divulge</p> <p>12 communications with counsel.</p> <p>13 MS. SMITH: Well, Counsel, I think</p> <p>14 that if the county -- the attorney on behalf of</p> <p>15 the county, and I understand this was before you,</p> <p>16 but if they had conveyed a agreement to me that</p> <p>17 something could be done, they as the attorney</p> <p>18 binding the county, and then it was conveyed to</p> <p>19 Mr. Bender and Mr. Bender didn't agree with it,</p> <p>20 but the county binding the -- the attorney binding</p> <p>21 the county agreed to it, we have an issue of</p> <p>22 advice of counsel or refusal of advice of counsel.</p> <p>23 MS. JONES: Yeah. That's not</p> <p>24 advice of counsel issue.</p>
<p style="text-align: right;">Page 392</p> <p>1 Except to the extent what you say would be</p> <p>2 privileged with your communications with counsel.</p> <p>3 But otherwise you can answer.</p> <p>4 MS. SMITH: Well, let me rephrase</p> <p>5 it then.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Are you aware that an attorney for the</p> <p>8 county informed me that you had agreed that</p> <p>9 they -- Jane Doe 3 and Jane Doe 4 only needed to</p> <p>10 communicate with you in writing, e-mail or written</p> <p>11 letter?</p> <p>12 MS. JONES: You can answer that.</p> <p>13 THE WITNESS: I had heard that. I</p> <p>14 was never privy to that. In other words, I never</p> <p>15 agreed to that. I don't who did. It certainly</p> <p>16 wasn't me.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Who did you hear it from?</p> <p>19 A. From that attorney.</p> <p>20 Q. And was that -- did you hear it from</p> <p>21 Mr. Heinbach or Mr. Scott?</p> <p>22 A. Is that --</p> <p>23 MS. JONES: Well, okay. So the --</p> <p>24 Catherine's question earlier was about what she</p>	<p style="text-align: right;">Page 394</p> <p>1 I think -- if you want to ask him,</p> <p>2 did he agree, he's already answered that, he said</p> <p>3 he didn't. If you want to show us the letter and</p> <p>4 I can interpret that, I might change my mind. But</p> <p>5 if it's a communication that says we'll agree for</p> <p>6 some -- five seconds, a period of time, you know,</p> <p>7 that might depend on what the letter says.</p> <p>8 MS. SMITH: Okay.</p> <p>9 MS. JONES: He can still say that</p> <p>10 he doesn't agree, that's all I am saying, that he</p> <p>11 didn't agree.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. All right.</p> <p>14 So, Mr. Bender, let's -- let's clarify</p> <p>15 this a little.</p> <p>16 An attorney who represented the county</p> <p>17 informed you that they had communicated something</p> <p>18 to me about an agreement regarding Jane Doe 3 and</p> <p>19 Jane Doe 4 communicating with you, correct?</p> <p>20 MS. JONES: No, I can't let him</p> <p>21 answer the question about what the attorney</p> <p>22 communicated with him. He can just say whether he</p> <p>23 agreed or didn't agree, but that's not the</p> <p>24 communication.</p>

<p>Page 395</p> <p>1 MS. SMITH: Well, agree d or didn't</p> <p>2 agree with what? That's the problem. I need to</p> <p>3 establish for the record to say what he was</p> <p>4 agreeing or not agreeing to.</p> <p>5 MS. JONES: You asked him if he</p> <p>6 agreed not to communicate or that -- if he agreed</p> <p>7 it was okay for Jane Doe 3 and Jane Doe 4 not to</p> <p>8 communicate with him he said no, he didn't</p> <p>9 actually make that agreement.</p> <p>10 MS. SMITH: Okay.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Mr. Bender, did you tell an attorney</p> <p>13 that you did not agree?</p> <p>14 MS. JONES: You can't ask him that.</p> <p>15 That's -- that's objectionable.</p> <p>16 MS. SMITH: I'm going to ask him.</p> <p>17 If you want to object and then we can -- we can</p> <p>18 readdress this, but if I need to come back</p> <p>19 tomorrow, we need to come back with a judge makes</p> <p>20 a decision, then I'll preserve the record.</p> <p>21 MS. JONES: Yeah. I don't want him</p> <p>22 saying what the lawyer said. If you want to pull</p> <p>23 the letter out that you had with the lawyer, maybe</p> <p>24 that will clean this up. But the way the question</p>	<p>Page 397</p> <p>1 the county that you would not agree to that?</p> <p>2 MS. JONES: Same objection. I</p> <p>3 instruct him not to answer that question.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Mr. Bender, at some point did you -- did</p> <p>6 you refuse to only communicate with Jane Doe 3 and</p> <p>7 Jane Doe 4 through e-mail?</p> <p>8 MS. JONES: Object to the form of</p> <p>9 that question.</p> <p>10 You can answer that one.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Why?</p> <p>14 A. That's not a way you conduct business in</p> <p>15 the county. You have to meet face to face to</p> <p>16 discuss issues. You cannot do it through e-mail</p> <p>17 all the time.</p> <p>18 Q. Did you ever discuss with Jane Doe 4 and</p> <p>19 Jane Doe 3 why they only wanted to communicate</p> <p>20 with you through e-mail?</p> <p>21 A. I did not. They didn't want to</p> <p>22 communicate.</p> <p>23 Q. Did you ever -- at the point that they</p> <p>24 were refusing to communicate with you, you were a</p>
<p>Page 396</p> <p>1 is asked, you're asking him to report on a</p> <p>2 conversation with a lawyer. That's pretty clearly</p> <p>3 privileged.</p> <p>4 MS. SMITH: Okay. And I -- I</p> <p>5 believe that there's an exception to that</p> <p>6 privilege given the way the conversations went.</p> <p>7 So you can object. We can instruct him not to</p> <p>8 answer. I just want to make the record clear so</p> <p>9 that we can then address this with the judge.</p> <p>10 MS. JONES: Okay.</p> <p>11 MS. SMITH: At an appropriate time,</p> <p>12 once the brief on instruction of counsel.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. So, Mr. Bender, did an attorney come to</p> <p>15 you and tell you that there was an agreement made</p> <p>16 on behalf of the county and Jane Doe 3 and Jane</p> <p>17 Doe 4 would only communicate with you -- would</p> <p>18 only communicate with you through writing?</p> <p>19 MS. JONES: Objection; calls for</p> <p>20 privileged.</p> <p>21 I instruct him not to answer that</p> <p>22 question.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Mr. Bender, did you tell an attorney for</p>	<p>Page 398</p> <p>1 named respondent in an EEOC charge, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. And at any point, did you offer Jane Doe</p> <p>4 3 and Jane Doe 4 to communicate with you in person</p> <p>5 or by Zoom with a witness present?</p> <p>6 MS. JONES: I'm sorry. I just</p> <p>7 didn't hear it.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. At any point did you offer Jane Doe 3 or</p> <p>10 Jane Doe 4 to communicate through Zoom or in</p> <p>11 person with a witness present?</p> <p>12 A. Did not.</p> <p>13 Q. When the offices were restructured in</p> <p>14 March of 2021, Jane Doe 4 remained in assessment,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. And Jane Doe 3 remained in tax claim,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. Both then still reported to you as a</p> <p>21 supervisor, correct?</p> <p>22 A. That is correct.</p> <p>23 Q. So how would restructuring the offices</p> <p>24 alleviate your issue with them not communicating</p>

<p>Page 399</p> <p>1 with you as your -- as their supervisor?</p> <p>2 A. I would have communicated with the chief</p> <p>3 assessor.</p> <p>4 Q. For Jane Doe 4, correct?</p> <p>5 A. No. After we -- we contracted with</p> <p>6 Mr. Alu, became the chief assessor, Tony Alu</p> <p>7 became the chief assessor. We restructured the</p> <p>8 office through him.</p> <p>9 Q. Right. No. No.</p> <p>10 What I am saying is, you said I would</p> <p>11 communicate through the chief assessor. Well, you</p> <p>12 communicated through the chief assessor for Jane</p> <p>13 Doe 4's duties. But Jane Doe 3 was still the</p> <p>14 director of a department. So to whom would you --</p> <p>15 to whom would you communicate for issue regarding</p> <p>16 that department, tax claim bureau?</p> <p>17 A. That had to be worked out. That</p> <p>18 wasn't -- that wasn't my plan, but that's -- we</p> <p>19 had to go with that.</p> <p>20 Q. So, again, restructuring the offices did</p> <p>21 not alleviate your concerns regarding</p> <p>22 communication, or lack thereof, with Jane Doe 3,</p> <p>23 correct?</p> <p>24 A. That is correct.</p>	<p>Page 401</p> <p>1 Q. Are you aware of anyone, prior to</p> <p>2 March of 2021, going to Jane Doe 3 or Jane Doe 4</p> <p>3 and asking them -- or getting a game plan</p> <p>4 together, discussing what they -- what can be done</p> <p>5 to achieve optimal operation of their offices?</p> <p>6 A. Yes. Ms. Kutzler reached out to them</p> <p>7 about having a meeting and they never got back to</p> <p>8 her.</p> <p>9 Q. When was that?</p> <p>10 A. That would have been probably before</p> <p>11 Heidi got hired, so that would have been in</p> <p>12 December of -- of '20.</p> <p>13 Q. So are you aware that Jane Doe 3 and</p> <p>14 Jane Doe 4 met with Ms. Kutzler?</p> <p>15 A. Not with me present they didn't, no.</p> <p>16 Q. Okay.</p> <p>17 So are you -- it's your testimony Ms.</p> <p>18 Kutzler never informed you that she had a meeting</p> <p>19 about office operations with them?</p> <p>20 A. Don't know whether she did or she</p> <p>21 didn't.</p> <p>22 Q. Okay.</p> <p>23 So I thought you just said they never</p> <p>24 got back to her?</p>
<p>Page 400</p> <p>1 Q. At any point prior to March of 2021, had</p> <p>2 you or had anyone on behalf of the county issued</p> <p>3 any verbal, written warning, or suspension of any</p> <p>4 type of disciplinary action to Jane Doe 3 or Jane</p> <p>5 Doe 4?</p> <p>6 A. To what time?</p> <p>7 Q. At any point prior to the restructuring?</p> <p>8 A. I think there were. Yeah, I think they</p> <p>9 have a written warning in their file.</p> <p>10 Q. Well, there is a written warning in</p> <p>11 their file from April of 2021 --</p> <p>12 A. Okay.</p> <p>13 Q. -- for their interactions with Mr. Alu.</p> <p>14 Is that the one you're referring do?</p> <p>15 A. Okay. Yes.</p> <p>16 Q. Okay.</p> <p>17 Well, you would agree March comes before</p> <p>18 April, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay.</p> <p>21 So prior to the restructuring, are you</p> <p>22 aware of any disciplinary action against either</p> <p>23 Jane Doe 3 or Jane Doe 4?</p> <p>24 A. I am not.</p>	<p>Page 402</p> <p>1 A. I didn't think they did.</p> <p>2 Q. All right.</p> <p>3 So if they had gotten back to her and</p> <p>4 had had a conversation with her about what they</p> <p>5 needed for the office and they did not receive</p> <p>6 that, would that change your opinion as to whether</p> <p>7 the offices should have before restructured?</p> <p>8 MS. JONES: Object to the form.</p> <p>9 You can answer if you can.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Ms. -- why was the decision made to put</p> <p>13 Jane Doe 3 into tax claim and Ms. -- and not in</p> <p>14 tax assessment?</p> <p>15 A. Tax assessment was the office that</p> <p>16 needed to be -- to be overhauled and rebuilt. So</p> <p>17 if you have the chief assessor not willing to work</p> <p>18 with administration, that's not going to happen.</p> <p>19 Tax claim was operating quite -- quite well. Jane</p> <p>20 Doe 4 was kept over there because Mr. Alu, while</p> <p>21 he had a knowledge of -- of the tax assessment, he</p> <p>22 didn't have a knowledge of the Schuylkill County</p> <p>23 in that office. So she would be able to help</p> <p>24 that, she would be able to work through him with</p>

<p>Page 403</p> <p>1 the employees, so it made sense at the beginning.</p> <p>2 Q. Why was it that you felt the tax</p> <p>3 assessment office needed to be, I think your word,</p> <p>4 was overhauled?</p> <p>5 A. Well, you had answered your own question</p> <p>6 before, was that there were a lot of people</p> <p>7 leaving that office. We needed to -- to develop a</p> <p>8 line of succession that you come up from a clerk</p> <p>9 and go into other positions, into the field</p> <p>10 appraiser, maybe be the next chief clerk or</p> <p>11 assistant chief assessor -- I'm sorry -- chief</p> <p>12 assessor. And so we wanted to set that up and so</p> <p>13 you had to rebuild it from the ground up. And I</p> <p>14 felt Mr. Alu had a good plan I thought he could</p> <p>15 help us.</p> <p>16 Q. So why wasn't the answer to the overhaul</p> <p>17 to staff, fully staff the office as opposed to</p> <p>18 change leadership?</p> <p>19 A. I -- I just felt that was what we had to</p> <p>20 do.</p> <p>21 Q. And I'm asking what your basis for that</p> <p>22 feeling was?</p> <p>23 A. Because the office had to be rebuilt.</p> <p>24 It's not just recruiting staff. It's getting</p>	<p>Page 405</p> <p>1 Q. So it was not delayed, correct?</p> <p>2 A. It would have been. They planned to go</p> <p>3 on vacation I wrote back approved.</p> <p>4 Q. Did Jane Doe 3 and Jane Doe 4 submit</p> <p>5 certification on time?</p> <p>6 A. I think so, yes.</p> <p>7 Q. That was in December of 2020?</p> <p>8 A. In November of 2020.</p> <p>9 Q. November of 2020.</p> <p>10 So in March of 2021, when you decided to</p> <p>11 restructure the offices, there was, in fact, no</p> <p>12 delay in certification, was there?</p> <p>13 A. No. But it took a struggle to get</p> <p>14 there.</p> <p>15 Q. Okay.</p> <p>16 And since Jane Doe 3 and Jane Doe 4 have</p> <p>17 left the assessment office, Mr. Alu and</p> <p>18 Mr. Hatter, at different times, have overseen that</p> <p>19 office, correct?</p> <p>20 A. Correct.</p> <p>21 Q. And Jane Doe 1 has still been delayed in</p> <p>22 submitting her STEB reports, correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Was Mr. Hatter removed from his position</p>
<p>Page 404</p> <p>1 staff, getting everybody training, getting</p> <p>2 everybody on the same page.</p> <p>3 Q. Was the delinquency of the STEB reports</p> <p>4 part of the reason you thought the assessment</p> <p>5 office should be overhauled?</p> <p>6 A. Absolutely. And the delay in the</p> <p>7 certifications.</p> <p>8 Q. What certifications?</p> <p>9 A. There were certifications that need to</p> <p>10 be done every year in November, that goes out to</p> <p>11 the municipalities on which they -- they base</p> <p>12 their budget on the millage.</p> <p>13 So I received an e-mail from Jane Doe 3</p> <p>14 in November saying that the certifications were</p> <p>15 not going to be done and her and Jane Doe 4 were</p> <p>16 going on vacation. So I had a plan, I put a team</p> <p>17 together to get them done. We needed somebody</p> <p>18 from inside the office to help us, so I think</p> <p>19 Darlene Delzoni reached out to Helene O'Connor.</p> <p>20 And the next day Jane Doe 3 and Jane Doe 4</p> <p>21 suspended their vacations.</p> <p>22 Q. So it's your testimony the 2020</p> <p>23 certification was delayed?</p> <p>24 A. It got finished.</p>	<p>Page 406</p> <p>1 as chief assessor?</p> <p>2 A. No. He's working with the</p> <p>3 administration to get things done.</p> <p>4 Q. But the STEB reports are still delayed</p> <p>5 or delinquency, correct?</p> <p>6 A. Not -- not for a year, no. We've</p> <p>7 assigned -- he has some other people in there that</p> <p>8 can do them. That's -- that's not the right way</p> <p>9 to do things.</p> <p>10 Q. They've been removed from Jane Doe 1's</p> <p>11 job duties, correct?</p> <p>12 A. No. They are still her job duties, but</p> <p>13 if they're late, if they're a couple months late,</p> <p>14 he has somebody who can do them.</p> <p>15 Q. Okay.</p> <p>16 Well, Jane Doe 4 and Jane Doe 3 had</p> <p>17 someone else who could do them, they did them,</p> <p>18 correct?</p> <p>19 A. Not on a regular basis, no.</p> <p>20 Q. Well, once they learned that they were</p> <p>21 late, they did them and made sure they were</p> <p>22 timely, correct?</p> <p>23 A. At the end of the year, that's not</p> <p>24 appropriate.</p>



<p>Page 407</p> <p>1 Q. At any point were there any</p> <p>2 conversations with Jane Doe 3 or Jane Doe 4 that</p> <p>3 if they did not start communicating with you</p> <p>4 directly, that they were going to be demoted?</p> <p>5 A. No.</p> <p>6 Q. Okay.</p> <p>7 I'm sorry, you -- did you say -- I</p> <p>8 didn't catch this, but you might have said it, did</p> <p>9 you say that moving Jane Doe 3 to tax claim</p> <p>10 director was not your plan or was your plan?</p> <p>11 A. Not originally.</p> <p>12 Q. What was your plan originally?</p> <p>13 A. To replace both of the directors.</p> <p>14 Q. And what was going to happen to Jane Doe</p> <p>15 3?</p> <p>16 A. She would have been terminated.</p> <p>17 Q. Was your plan to terminate Jane Doe 4?</p> <p>18 A. Probably.</p> <p>19 Q. And who vetoed or nixed that plan?</p> <p>20 A. Well, when we met with the commissioners</p> <p>21 on the status of restructuring, they weren't in</p> <p>22 favor of termination, they were -- so -- but they</p> <p>23 would have been in favor of putting it on the</p> <p>24 agenda for the restructuring.</p>	<p>Page 409</p> <p>1 offices?</p> <p>2 A. Yes. Joan Price introduced us to Tony</p> <p>3 Alu. She said here's a guy, he might be able to</p> <p>4 help you out. So I called him in for a meeting</p> <p>5 with me, Heidi Zula, and Glenn Roth.</p> <p>6 Q. And you gathered information from</p> <p>7 Mr. Alu and, as I understand it and correct me if</p> <p>8 I'm wrong, came up with a restructuring plan which</p> <p>9 was proposed to some of the commissioners or all</p> <p>10 of the commissioners?</p> <p>11 A. All of them.</p> <p>12 Q. Okay.</p> <p>13 And was this in an informational session</p> <p>14 or --</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 It was not publicly presented, it was in</p> <p>18 an executive session?</p> <p>19 A. Yes. It was just reviewed what was</p> <p>20 going to -- and nobody made decisions, but then we</p> <p>21 presented our findings on -- as an agenda item,</p> <p>22 that was placed on the agenda.</p> <p>23 Q. Jane Doe 4 and Jane Doe 3's termination</p> <p>24 was placed on the agenda?</p>
<p>Page 408</p> <p>1 Q. I'm sorry. You said when we went to the</p> <p>2 commissioners?</p> <p>3 A. Yes. The review of the restructuring</p> <p>4 was -- was presented to the commissioners and --</p> <p>5 because nobody wanted to talk about termination,</p> <p>6 so the next best thing was to restructure. So we</p> <p>7 met with them in there and they approved that</p> <p>8 putting it on the -- the chairman agreed to put it</p> <p>9 on the agenda.</p> <p>10 Q. Okay. So I just want to get some better</p> <p>11 understanding of how -- how the chain of events</p> <p>12 went.</p> <p>13 So it was your idea to restructure the</p> <p>14 office initially, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Who did you first go to about your plan</p> <p>17 regarding restructuring?</p> <p>18 A. When we met with Anthony Alu.</p> <p>19 Q. Who is we?</p> <p>20 A. Heidi Zula, Glenn Roth, and myself.</p> <p>21 Q. Okay.</p> <p>22 So did you go to Heidi Zula and Glenn</p> <p>23 Roth and tell them we are going to meet with Tony</p> <p>24 Alu because I have an idea to restructure the</p>	<p>Page 410</p> <p>1 A. No. No, the restructuring of the</p> <p>2 office, the separation of the offices.</p> <p>3 Q. How was it then that this plan, initial</p> <p>4 plan of yours to terminate Jane Doe 3 at the very</p> <p>5 least, maybe Jane Doe 4, was changed to a</p> <p>6 restructuring, moving Jane Doe 3 to tax claim</p> <p>7 director?</p> <p>8 A. Well, even Heidi didn't like that idea,</p> <p>9 Heidi Zula.</p> <p>10 Q. But that plan or idea was presented to</p> <p>11 the commissioners, correct?</p> <p>12 A. It was -- it was not. It was -- it was</p> <p>13 something I wanted to do. We didn't want to do</p> <p>14 that, so we went with the restructuring plan.</p> <p>15 Q. Who nixed your plan?</p> <p>16 A. Heidi.</p> <p>17 Q. I thought you testified that the</p> <p>18 commissioners didn't like the idea of termination?</p> <p>19 A. Well, they didn't. But that was never</p> <p>20 presented that -- something I wanted to put on the</p> <p>21 agenda. I just said, I think we're going to be</p> <p>22 going down this road in a few months any way.</p> <p>23 Q. So how is it that you believe that the</p> <p>24 commissioners did not like the idea of termination</p>



<p>Page 411</p> <p>1 if your idea of termination was not presented to 2 them?</p> <p>3 A. They wouldn't allow it on the agenda.</p> <p>4 Q. Okay.</p> <p>5 So they knew that that was your plan?</p> <p>6 A. Wasn't my plan. It was my idea, but 7 Heidi and -- and Glenn didn't want to go down that 8 road.</p> <p>9 Q. Okay.</p> <p>10 Mr. Bender, your plan was to terminate 11 Jane Doe 3, at the very least, correct?</p> <p>12 A. They were my options, yes.</p> <p>13 Q. And the commissioners did not allow Jane 14 Doe 3's termination to be placed on the agenda, 15 correct?</p> <p>16 A. Yeah. That wasn't even a topic of 17 discussions then. It came up, but nobody wanted 18 to talk about that.</p> <p>19 Q. There was a topic of discussion that 20 Jane Doe 3 would be terminated and they would not 21 discuss it?</p> <p>22 A. Correct.</p> <p>23 Q. So essentially they did not permit Jane 24 Doe 3 to be placed up for termination, correct?</p>	<p>Page 413</p> <p>1 A. We felt when we left that we had a plan 2 in place.</p> <p>3 Q. Were the commissioners in favor of 4 restructuring as opposed to termination?</p> <p>5 A. We put it before an agenda item and that 6 agenda was put on -- that item was put on the 7 agenda.</p> <p>8 Q. Not my question, Mr. Bender.</p> <p>9 During the executive session, was there 10 discussions of termination versus restructuring 11 that the commissioners said, we're not talking 12 about termination?</p> <p>13 MS. JONES: Object to the form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: Yes. Nobody wanted 16 to talk about termination.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Okay.</p> <p>19 And was -- during that conversation was 20 termination of Jane Doe 4 also brought up?</p> <p>21 A. I believe so.</p> <p>22 Q. And at the time the offices were 23 restructured, Jane Doe 3 held a CPE license, 24 correct?</p>
<p>Page 412</p> <p>1 A. It was not placed on the agenda.</p> <p>2 Q. So there was essentially a vote or a 3 decision made on Jane Doe 3's --</p> <p>4 A. No.</p> <p>5 Q. -- termination without it being put on 6 the agenda?</p> <p>7 A. No. No, nobody wanted to discuss that.</p> <p>8 Q. But they prohibited you from putting it 9 on the agenda, correct?</p> <p>10 MS. JONES: Object to the form.</p> <p>11 THE WITNESS: It never went to an 12 agenda item.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Because the commissioners told you not 15 to put it on an agenda, correct?</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 Then why didn't you put it on an agenda 19 then?</p> <p>20 A. Because we liked the idea of 21 restructuring.</p> <p>22 Q. Who is we?</p> <p>23 A. Everybody in the room.</p> <p>24 Q. Including the commissioners?</p>	<p>Page 414</p> <p>1 A. That is correct.</p> <p>2 Q. And Jane Doe 4 did not hold a CPE 3 license, correct?</p> <p>4 A. That is correct.</p> <p>5 Q. So why was the decision not made to have 6 Jane Doe 3 remain in the assessment office and 7 have Mr. Alu run it as interim or a consultant so 8 he could assist her in -- and she could assist him 9 on getting the office overhauled?</p> <p>10 MS. JONES: Object to the form.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: In my opinion that 13 would not have worked.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Why?</p> <p>16 A. Because she wasn't communicating with 17 the administration, why was she going to 18 communicate with Mr. Alu.</p> <p>19 Q. Well, did you ever ask her why she 20 wasn't communicating with administration?</p> <p>21 A. I did not.</p> <p>22 Q. Did you understand that she wasn't 23 communicating with administration because she 24 wanted to do so by e-mail because you were a named</p>

<p style="text-align: right;">Page 415</p> <p>1 respondent on an EEO charge and she wanted a paper</p> <p>2 trail?</p> <p>3 MS. JONES: Object to the form.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: Repeat that then.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Did you not understand that Jane Doe 3</p> <p>8 wanted -- didn't want to communicate with</p> <p>9 administration because she wanted to communicate</p> <p>10 through e-mail because you were a named respondent</p> <p>11 on an EEOC charge and she wanted a paper trail?</p> <p>12 MS. JONES: Object to the form.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: That's not the way we</p> <p>15 do business at the county. You must communicate.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. But did you understand that's why?</p> <p>18 MS. JONES: Object to the form.</p> <p>19 You can answer.</p> <p>20 THE WITNESS: If that's her reason.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. I am asking if you understood that that</p> <p>23 was her reason?</p> <p>24 MS. JONES: Same objection.</p>	<p style="text-align: right;">Page 417</p> <p>1 assessment -- chief assessor and him being an</p> <p>2 interim or a contractor?</p> <p>3 A. Because I didn't --</p> <p>4 MS. JONES: Object to the form.</p> <p>5 THE WITNESS: -- think that would</p> <p>6 work.</p> <p>7 MS. JONES: You can answer.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Why didn't you think it would work?</p> <p>10 A. Because it wouldn't.</p> <p>11 Q. But it would work for your communication</p> <p>12 with Jane Doe 4, who similarly refused to</p> <p>13 communicate with you?</p> <p>14 MS. JONES: Object to the form.</p> <p>15 You can answer.</p> <p>16 THE WITNESS: But Mr. Alu would and</p> <p>17 he would be the chief assessor until he hired</p> <p>18 another one.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. So why would Mr. Alu communicate with</p> <p>21 you if Jane Doe 3 was still the chief assessor?</p> <p>22 MS. JONES: Object to the form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: It was my opinion</p>
<p style="text-align: right;">Page 416</p> <p>1 You can answer.</p> <p>2 THE WITNESS: But a month before</p> <p>3 that it was -- it was okay a month before that, so</p> <p>4 sometime in June it changed.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Okay.</p> <p>7 Mr. Bender, I'm not asking about June or</p> <p>8 before it. I am asking if at any point did you</p> <p>9 learn and understand that that was Jane Doe 3's</p> <p>10 reason for wanting to communicate only through</p> <p>11 e-mail?</p> <p>12 MS. JONES: Object to the form.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: All I understood was</p> <p>15 she didn't want to communicate with me.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. But you felt that it was appropriate</p> <p>18 that Mr. Alu be a go-between for you and Jane Doe</p> <p>19 4, who also refused to communicate with</p> <p>20 administration, correct?</p> <p>21 A. But I would be communicating with</p> <p>22 Mr. Alu.</p> <p>23 Q. So why couldn't you have communicated</p> <p>24 with Mr. Alu with Jane Doe 3 being the</p>	<p style="text-align: right;">Page 418</p> <p>1 that it wouldn't work.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Were you aware that Commissioner</p> <p>4 Stottlemeyer had informed Jane Doe 3 that if the</p> <p>5 offices were ever disbanded, that she would remain</p> <p>6 chief assessor?</p> <p>7 A. That wasn't Mr. Stottlemeyer that said</p> <p>8 that, that was me.</p> <p>9 Q. Okay.</p> <p>10 So you had made Jane Doe 3 a promise</p> <p>11 that if the offices were disbanded, she would</p> <p>12 remain chief assessor?</p> <p>13 A. I did. When we separated the offices, I</p> <p>14 went over and met with the staff. And I said,</p> <p>15 look, this is a trial, it hadn't worked in the</p> <p>16 past. We are going to try it. If it doesn't work</p> <p>17 out, we're going to ask Jane Doe 3 to stay over</p> <p>18 with -- with assessment. That is true. The</p> <p>19 situation changed.</p> <p>20 MS. SMITH: I think we're at time.</p> <p>21 Are we -- let's go off the record.</p> <p>22 VIDEOGRAPHER: The time is now</p> <p>23 5:41 p.m. and we're going off the record.</p> <p>24</p>

## C E R T I F I C A T I O N

I, COLEEN TRIFUN, RPR and Notary Public,  
do hereby certify that the foregoing is a true and  
accurate transcript of the stenographic notes  
taken by me in the aforementioned matter.

- - -

DATE: August 31, 2023 \_\_\_\_\_

COLEEN TRIFUN, RPR

**WORD INDEX**

&lt; \$ &gt;

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<b>classifications</b> (1)	<b>compensation</b> (3)	<b>contact</b> (5)	<b>COVID-related</b> (1)
<b>classify</b> (2)	<b>competent</b> (2)	<b>contacted</b> (5)	<b>coworkers</b> (1)
<b>claw</b> (1)	<b>compilation</b> (1)	<b>contents</b> (8)	<b>CP</b> (1)
<b>clean</b> (1)	<b>compile</b> (3)	<b>context</b> (4)	<b>CPE</b> (18)
<b>cleaned</b> (1)	<b>complained</b> (1)	<b>continue</b> (2)	<b>CPE-licensed</b> (1)
<b>cleanliness</b> (1)	<b>complaint</b> (21)	<b>continued</b> (2)	<b>create</b> (3)
<b>clear</b> (13)	<b>complaints</b> (11)	<b>contract</b> (15)	<b>created</b> (4)
<b>Clearly</b> (2)	<b>complete</b> (11)	<b>contracted</b> (3)	<b>criminal</b> (1)
<b>clerk</b> (9)	<b>completed</b> (5)	<b>contractor</b> (2)	<b>cry</b> (1)
<b>client</b> (1)	<b>completely</b> (2)	<b>contracts</b> (1)	<b>crying</b> (1)
<b>climbed</b> (4)	<b>completeness</b> (1)	<b>controlled</b> (1)	<b>current</b> (2)
<b>Clinton</b> (1)	<b>completes</b> (1)	<b>controller</b> (3)	<b>currently</b> (5)
<b>clock</b> (13)	<b>completing</b> (1)	<b>Controls</b> (3)	<b>custody</b> (1)
<b>close</b> (4)	<b>complex</b> (1)	<b>conversation</b> (52)	<b>CV</b> (2)
<b>closed</b> (7)	<b>compliance</b> (1)	<b>conversations</b> (26)	<b>Cyan</b> (3)
<b>closing</b> (1)	<b>comprehend</b> (1)	<b>conveyed</b> (2)	<b>&lt; D &gt;</b>
<b>clothing</b> (1)	<b>computer</b> (3)	<b>convinced</b> (2)	<b>daily</b> (7)
<b>coffeepot</b> (1)	<b>concern</b> (13)	<b>coordinate</b> (1)	<b>Dan</b> (1)
<b>Coleen</b> (4)	<b>concerned</b> (9)	<b>coordinator</b> (4)	<b>dangerous</b> (1)
<b>colleagues</b> (1)	<b>concerning</b> (5)	<b>copied</b> (1)	<b>Darlene</b> (3)
<b>collectively</b> (2)	<b>concerns</b> (49)	<b>copier</b> (2)	<b>Dash</b> (1)
<b>Columbia</b> (1)	<b>concluded</b> (1)	<b>copiers</b> (5)	<b>date</b> (22)
<b>combine</b> (5)	<b>conclusion</b> (7)	<b>copies</b> (3)	<b>DATE:August</b> (1)
<b>combined</b> (9)	<b>concurred</b> (1)	<b>copy</b> (5)	<b>dated</b> (16)
<b>combining</b> (6)	<b>conduct</b> (26)	<b>correct</b> (554)	<b>dates</b> (2)
<b>come</b> (70)	<b>conducted</b> (5)	<b>corrected</b> (1)	<b>dating</b> (12)
<b>comes</b> (7)	<b>conducting</b> (3)	<b>correctly</b> (2)	<b>Daub</b> (1)
<b>comfortable</b> (10)	<b>conference</b> (2)	<b>correspond</b> (1)	<b>D-A-U-B</b> (1)
<b>coming</b> (16)	<b>confidence</b> (6)	<b>cost</b> (1)	<b>daughter</b> (2)
<b>command</b> (1)	<b>confident</b> (3)	<b>costly</b> (1)	<b>David</b> (1)
<b>comment</b> (20)	<b>CONFIDENTIAL</b> (5)	<b>Counsel</b> (23)	<b>day</b> (59)
<b>comments</b> (13)	<b>confidentiality</b> (1)	<b>count</b> (1)	<b>days</b> (12)
<b>commissioner</b> (103)	<b>confirmed</b> (2)	<b>counter</b> (1)	<b>day-to-day</b> (6)
<b>commissioners</b> (80)	<b>conflict</b> (3)	<b>countermand</b> (1)	<b>deadline</b> (7)
<b>commissioner's</b> (1)	<b>confuse</b> (1)	<b>counters</b> (1)	<b>deadlines</b> (2)
<b>commitment</b> (1)	<b>confused</b> (4)	<b>Counties</b> (1)	<b>deal</b> (1)
<b>committed</b> (1)	<b>congress</b> (1)	<b>COUNTY</b> (257)	

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 Ensure (15)  
 ensuring (2)

<b>enter</b> (1)	<b>Exhibit-208</b> (3)	<b>&lt; F &gt;</b>	<b>finally</b> (1)
<b>entered</b> (1)	<b>Exhibit-209</b> (2)	<b>face</b> (2)	<b>find</b> (7)
<b>entertain</b> (1)	<b>Exhibit-210</b> (3)	<b>Facebook</b> (2)	<b>finding</b> (1)
<b>entire</b> (6)	<b>Exhibit-211</b> (2)	<b>FaceTime</b> (1)	<b>findings</b> (5)
<b>entirety</b> (1)	<b>Exhibit-212</b> (2)	<b>FaceTimed</b> (1)	<b>fine</b> (4)
<b>entitled</b> (1)	<b>Exhibit-213</b> (2)	<b>FaceTiming</b> (1)	<b>finger</b> (1)
<b>entrance</b> (2)	<b>Exhibit-214</b> (3)	<b>face-to-face</b> (1)	<b>finish</b> (5)
<b>environment</b> (6)	<b>Exhibit-215</b> (2)	<b>facility</b> (1)	<b>finished</b> (3)
<b>Equalization</b> (1)	<b>Exhibit-216</b> (2)	<b>fact</b> (44)	<b>fire</b> (5)
<b>ergonomic</b> (1)	<b>Exhibit-217</b> (2)	<b>factor</b> (2)	<b>firing</b> (1)
<b>escapes</b> (1)	<b>Exhibit-217for</b> (1)	<b>fail</b> (1)	<b>firm</b> (3)
<b>escorted</b> (1)	<b>Exhibit-218</b> (2)	<b>failing</b> (1)	<b>first</b> (35)
<b>ESQUIRE</b> (8)	<b>Exhibit-219</b> (2)	<b>failure</b> (2)	<b>fit</b> (6)
<b>essential</b> (5)	<b>Exhibit-220</b> (3)	<b>fair</b> (16)	<b>five</b> (5)
<b>essentially</b> (5)	<b>Exhibit-221</b> (3)	<b>fairly</b> (2)	<b>flabbergasted</b> (3)
<b>establish</b> (2)	<b>Exhibit-222</b> (3)	<b>fall</b> (2)	<b>flip</b> (4)
<b>established</b> (7)	<b>Exhibit-223</b> (2)	<b>familiar</b> (1)	<b>flipping</b> (1)
<b>estate</b> (11)	<b>Exhibit-29</b> (1)	<b>family</b> (2)	<b>floated</b> (2)
<b>estimate</b> (3)	<b>Exhibit-42</b> (1)	<b>fantastic</b> (1)	<b>floor</b> (1)
<b>estimating</b> (1)	<b>Exhibit-46</b> (2)	<b>far</b> (4)	<b>flu</b> (1)
<b>et</b> (5)	<b>Exhibit-48</b> (2)	<b>fast</b> (3)	<b>FMLA</b> (1)
<b>ethic</b> (2)	<b>Exhibit-59</b> (4)	<b>favor</b> (7)	<b>focus</b> (6)
<b>evaluating</b> (1)	<b>Exhibit-68</b> (3)	<b>favorite</b> (1)	<b>focused</b> (1)
<b>evaluators</b> (3)	<b>Exhibit-71</b> (3)	<b>fear</b> (6)	<b>fog</b> (1)
<b>event</b> (10)	<b>Exhibit-81</b> (3)	<b>fearful</b> (1)	<b>follow</b> (7)
<b>events</b> (3)	<b>Exhibit-85</b> (3)	<b>feathers</b> (1)	<b>followed</b> (5)
<b>Eventually</b> (2)	<b>exhibited</b> (1)	<b>February</b> (9)	<b>following</b> (5)
<b>Everest</b> (1)	<b>EXHIBITS</b> (4)	<b>federal</b> (1)	<b>follows</b> (1)
<b>everybody</b> (8)	<b>exist</b> (1)	<b>feed</b> (3)	<b>food</b> (1)
<b>everybody's</b> (1)	<b>existing</b> (1)	<b>feel</b> (10)	<b>footage</b> (4)
<b>evidence</b> (1)	<b>expect</b> (1)	<b>feeling</b> (4)	<b>football</b> (3)
<b>exact</b> (1)	<b>expectation</b> (1)	<b>feet</b> (3)	<b>force</b> (2)
<b>exactly</b> (5)	<b>expected</b> (3)	<b>felt</b> (54)	<b>forced</b> (1)
<b>exam</b> (1)	<b>experience</b> (1)	<b>female</b> (5)	<b>foregoing</b> (1)
<b>Examination</b> (2)	<b>expert</b> (1)	<b>females</b> (1)	<b>forget</b> (1)
<b>examined</b> (1)	<b>explain</b> (1)	<b>fence</b> (2)	<b>forgot</b> (1)
<b>exception</b> (1)	<b>explanation</b> (1)	<b>Fest</b> (2)	<b>form</b> (98)
<b>Excuse</b> (1)	<b>explicitly</b> (4)	<b>few-minute</b> (1)	<b>formal</b> (3)
<b>execution</b> (1)	<b>expose</b> (1)	<b>field</b> (34)	<b>formally</b> (1)
<b>executive</b> (3)	<b>exposed</b> (1)	<b>fighting</b> (1)	<b>format</b> (1)
<b>exempt</b> (3)	<b>express</b> (1)	<b>figure</b> (6)	<b>formed</b> (1)
<b>EXHIBIT</b> (18)	<b>expressed</b> (3)	<b>figured</b> (2)	<b>former</b> (4)
<b>Exhibit-158</b> (3)	<b>extend</b> (1)	<b>file</b> (10)	<b>forms</b> (2)
<b>Exhibit-182</b> (4)	<b>extended</b> (2)	<b>filed</b> (3)	<b>Forty-seven</b> (1)
<b>Exhibit-203</b> (2)	<b>extending</b> (1)	<b>files</b> (3)	<b>forward</b> (4)
<b>Exhibit-204</b> (2)	<b>extent</b> (9)	<b>filing</b> (1)	<b>forwarded</b> (5)
<b>Exhibit-205</b> (2)	<b>extrapolate</b> (1)	<b>fill</b> (3)	<b>found</b> (9)
<b>Exhibit-206</b> (2)	<b>eyes</b> (2)	<b>filled</b> (3)	<b>four</b> (4)
<b>Exhibit-207</b> (4)		<b>final</b> (12)	<b>four-page</b> (1)

**FOX** (3)  
**frame** (5)  
**Frank** (4)  
**frankly** (2)  
**freedom** (3)  
**freeze** (2)  
**freezie** (1)  
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**Friday** (29)  
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**GARY** (16)  
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**GEIGER** (11)  
**general** (3)  
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**George's** (5)  
**Ger** (1)  
**GERARD** (1)  
**Gerick** (1)  
**Gerry** (2)  
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**ggeiger@newmanwilliams.com** (1)  
**giant** (1)  
**Gilbert** (3)  
**Ginny** (7)

**girls** (2)  
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**given** (17)  
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**gloves** (2)  
**Go** (87)  
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**Gotcha** (1)  
**gotten** (4)  
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**GovU/CCAP** (1)  
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**Grant** (10)  
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**GROUP** (2)  
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**guidelines** (3)  
**Gulf** (1)  
**guy** (1)  
**guys** (4)  
  
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**Hal** (2)  
**Halcovage** (344)  
**Halcovage's** (47)  
**HALL** (3)  
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**Heffner** (2)  
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**hold** (8)

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**inaudible** (1)  
**in-between** (1)  
**incapable** (1)  
**incident** (19)



<b>incidents</b> (2)	<b>insurance</b> (6)	<b>January</b> (15)	<b>Lachman</b> (1)
<b>inclement</b> (1)	<b>intends</b> (1)	<b>jaw</b> (2)	<b>lack</b> (4)
<b>incline</b> (2)	<b>intent</b> (3)	<b>jeans</b> (7)	<b>laid</b> (3)
<b>include</b> (8)	<b>intention</b> (1)	<b>jeepers</b> (1)	<b>language</b> (7)
<b>included</b> (1)	<b>interact</b> (1)	<b>Jerry</b> (1)	<b>laptop</b> (2)
<b>includes</b> (3)	<b>interaction</b> (5)	<b>Jim</b> (1)	<b>larger</b> (2)
<b>including</b> (6)	<b>interactions</b> (1)	<b>Joan</b> (6)	<b>late</b> (5)
<b>incognito</b> (1)	<b>interchangeable</b> (1)	<b>job</b> (108)	<b>laughed</b> (2)
<b>incomplete</b> (1)	<b>interest</b> (3)	<b>jobs</b> (3)	<b>LAW</b> (5)
<b>increase</b> (5)	<b>interested</b> (2)	<b>Johnson</b> (3)	<b>lawsuit</b> (1)
<b>increased</b> (1)	<b>interim</b> (45)	<b>join</b> (1)	<b>lawyer</b> (4)
<b>increases</b> (1)	<b>intermittent</b> (1)	<b>joined</b> (3)	<b>layoffs</b> (1)
<b>incredible</b> (1)	<b>interpret</b> (1)	<b>joke</b> (1)	<b>lead</b> (1)
<b>incredulous</b> (1)	<b>interpretation</b> (2)	<b>JONES</b> (164)	<b>leadership</b> (1)
<b>independent</b> (1)	<b>interpreted</b> (1)	<b>judge</b> (14)	<b>leading</b> (1)
<b>INDEX</b> (1)	<b>INTERROGATION</b>	<b>judge's</b> (1)	<b>learn</b> (21)
<b>indicate</b> (6)	(1)	<b>July</b> (22)	<b>learned</b> (10)
<b>indicated</b> (18)	<b>interrupt</b> (4)	<b>jump</b> (4)	<b>learning</b> (6)
<b>indicates</b> (4)	<b>interview</b> (56)	<b>jumping</b> (1)	<b>lease</b> (2)
<b>indicating</b> (1)	<b>interviewed</b> (26)	<b>June</b> (26)	<b>Leasing</b> (1)
<b>indicted</b> (1)	<b>interviewing</b> (2)	<b>jury</b> (2)	<b>leave</b> (12)
<b>individual</b> (6)	<b>interviews</b> (13)	<b>JUSTICE</b> (1)	<b>leaving</b> (10)
<b>individuals</b> (7)	<b>intimated</b> (1)	<b>justification</b> (2)	<b>LEES</b> (3)
<b>inebriated</b> (1)	<b>intimidation</b> (1)	<b>justified</b> (1)	<b>left</b> (31)
<b>inebriation</b> (1)	<b>introduced</b> (8)		<b>legal</b> (1)
<b>inference</b> (2)	<b>invest</b> (1)	<b>&lt; K &gt;</b>	<b>length</b> (1)
<b>inferred</b> (1)	<b>investigate</b> (1)	<b>Kalyam</b> (6)	<b>lesbian</b> (1)
<b>inform</b> (6)	<b>investigation</b> (44)	<b>K-A-L-Y-A-M</b> (1)	<b>letter</b> (46)
<b>informal</b> (1)	<b>investigations</b> (3)	<b>Keel</b> (1)	<b>letters</b> (2)
<b>information</b> (14)	<b>investigative</b> (1)	<b>keep</b> (5)	<b>letting</b> (1)
<b>informational</b> (2)	<b>investigator</b> (3)	<b>keeps</b> (1)	<b>level</b> (2)
<b>informed</b> (12)	<b>invited</b> (2)	<b>Kelly</b> (1)	<b>license</b> (19)
<b>initial</b> (6)	<b>involve</b> (1)	<b>kept</b> (4)	<b>licenses</b> (2)
<b>initially</b> (5)	<b>involved</b> (20)	<b>key</b> (1)	<b>life</b> (1)
<b>initiate</b> (1)	<b>involvement</b> (3)	<b>keycard</b> (2)	<b>liked</b> (4)
<b>initiated</b> (1)	<b>involves</b> (1)	<b>keyword</b> (1)	<b>likewise</b> (1)
<b>inner</b> (1)	<b>involving</b> (1)	<b>kids</b> (1)	<b>limit</b> (2)
<b>inner-sanctum</b> (7)	<b>iPad</b> (23)	<b>kind</b> (16)	<b>limited</b> (2)
<b>in-person</b> (7)	<b>IPPOLITO</b> (5)	<b>kiss</b> (1)	<b>Linda</b> (1)
<b>input</b> (2)	<b>irritation</b> (2)	<b>kitchen</b> (1)	<b>LINE</b> (11)
<b>inside</b> (2)	<b>issue</b> (17)	<b>knew</b> (12)	<b>lines</b> (7)
<b>instance</b> (2)	<b>issued</b> (6)	<b>knocked</b> (1)	<b>lips</b> (1)
<b>instances</b> (1)	<b>issues</b> (35)	<b>know</b> (234)	<b>Lisa</b> (7)
<b>instruct</b> (8)	<b>item</b> (7)	<b>knowledge</b> (13)	<b>list</b> (6)
<b>instructed</b> (1)	<b>items</b> (6)	<b>knowledgeable</b> (1)	<b>listed</b> (5)
<b>instructing</b> (2)	<b>its</b> (4)	<b>Kutzler</b> (19)	<b>Listen</b> (2)
<b>instruction</b> (5)			<b>listened</b> (1)
<b>instructions</b> (4)	<b>&lt; J &gt;</b>	<b>&lt; L &gt;</b>	<b>listening</b> (3)
<b>insulted</b> (4)	<b>JANE</b> (807)	<b>labor</b> (1)	<b>litigation</b> (3)

little (34)	male (1)	mental (2)	Murray's (2)
live (2)	man (1)	mention (7)	mute (1)
lived (1)	management (1)	mentioned (10)	Myer (8)
living (1)	manager (1)	mentioning (1)	< N >
local (1)	managerial (1)	Mentor (2)	name (24)
located (2)	managing (1)	message (10)	named (3)
location (8)	mandatory (1)	met (23)	names (1)
locations (2)	manipulate (1)	Michael (1)	nametags (1)
locked (1)	manipulated (1)	Michelle (19)	narrow (3)
locks (1)	manipulation (1)	MIDDLE (3)	narrows (1)
logged (1)	manner (2)	millage (1)	NE (1)
logical (1)	Mantura (1)	MILLIE (2)	necessary (9)
log-in (2)	March (36)	mind (6)	need (12)
long (17)	MARIE (3)	mine (5)	needed (16)
longer (3)	mark (32)	minimal (1)	needs (1)
long-time (1)	MARKED (46)	minute (2)	negative (2)
long-winded (1)	Market (12)	minutes (2)	negotiate (1)
look (37)	married (1)	MIS (7)	negotiation (2)
looked (18)	Martina (5)	misconduct (5)	negotiations (2)
looking (13)	Mary (4)	misconstrued (1)	Nester (5)
looks (4)	Mataskavage (2)	misleading (1)	never (35)
looped (2)	materials (7)	missed (2)	nevermind (1)
lose (3)	maternity (4)	misunderstand (1)	new (13)
lost (8)	math (2)	misunderstood (1)	NEWMAN (1)
lot (24)	Matt (16)	mjones@jonespassodel is.com (1)	news (1)
Loudermill (3)	matter (14)	modification (2)	nice (1)
Love (2)	matters (3)	modifications (1)	NICOLE (2)
Loves (1)	maximize (1)	mom (1)	night (4)
lower (7)	Mayhall (7)	moment (2)	nippolito@mpvhlaw.co m (1)
lowest (2)	McAlonis (3)	momentarily (1)	nixed (2)
loyal (1)	MCCAMEY (1)	Monday (8)	nod (1)
loyalty (1)	MCNERNEY (1)	money (3)	nodding (1)
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luncheon (1)	mean (40)	month (9)	non-discrimination (1)
lure (2)	meaning (9)	monthly (1)	non-employee (1)
lures (1)	means (3)	months (9)	non-employees (1)
Luzerne (1)	meant (10)	moot (1)	non-interim (1)
< M >	measure (1)	morning (10)	non-job (1)
ma'am (3)	medication (1)	mouth (1)	non-present (1)
machine (3)	meet (17)	move (13)	non-routine (2)
mail (3)	meeting (43)	moved (10)	Non-union (1)
mailroom (7)	meetings (8)	movement (3)	normal (2)
main (4)	meets (1)	moves (1)	normally (1)
maintain (1)	Melinda (1)	moving (11)	nose (1)
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making (5)	membership (1)	Murray (24)	
	memory (1)		

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<b>positive</b> (4)	<b>procedure</b> (3)	<b>qualifications</b> (2)	<b>receptionists</b> (1)
<b>positively</b> (1)	<b>procedures</b> (5)	<b>qualified</b> (7)	<b>recess</b> (6)
<b>possession</b> (3)	<b>proceed</b> (1)	<b>qualify</b> (1)	<b>recognize</b> (21)
<b>possibility</b> (1)	<b>proceeding</b> (1)	<b>quarantine</b> (1)	<b>recollection</b> (10)
<b>possible</b> (4)	<b>process</b> (3)	<b>quarter</b> (1)	<b>recommend</b> (3)
<b>possibly</b> (1)	<b>produced</b> (6)	<b>question</b> (68)	<b>recommendation</b> (3)
<b>post</b> (4)	<b>producing</b> (1)	<b>questioned</b> (1)	<b>recommendations</b> (2)
<b>posting</b> (4)	<b>product</b> (11)	<b>questioning</b> (2)	<b>recommended</b> (3)
<b>potential</b> (1)	<b>PRODUCTION</b> (2)	<b>questions</b> (25)	<b>reconsider</b> (1)
<b>potentially</b> (4)	<b>profanities</b> (1)	<b>quick</b> (2)	<b>record</b> (53)
<b>Pottsville</b> (2)	<b>professionally</b> (1)	<b>quickest</b> (1)	<b>recorded</b> (3)
<b>precautions</b> (1)	<b>program</b> (4)	<b>quite</b> (13)	<b>recording</b> (3)
<b>prefer</b> (1)	<b>programs</b> (1)	<b>quiz</b> (2)	<b>recordings</b> (1)
<b>preferable</b> (1)	<b>prohibited</b> (1)	<b>quorum</b> (4)	<b>records</b> (3)
<b>preferred</b> (1)	<b>projected</b> (2)	<b>quote</b> (2)	<b>recruiting</b> (1)
<b>preliminary</b> (1)	<b>promise</b> (1)	<b>&lt; R &gt;</b>	<b>refer</b> (13)
<b>premises</b> (1)	<b>promote</b> (2)	<b>raise</b> (12)	<b>reference</b> (2)
<b>prepare</b> (7)	<b>promoted</b> (10)	<b>raised</b> (13)	<b>referral</b> (1)
<b>prepared</b> (8)	<b>promotion</b> (13)	<b>raises</b> (2)	<b>referred</b> (4)
<b>prepares</b> (1)	<b>promotions</b> (3)	<b>rally</b> (2)	<b>referring</b> (6)
<b>preponderance</b> (1)	<b>proper</b> (1)	<b>ran</b> (2)	<b>refrain</b> (3)
<b>PRESENT</b> (17)	<b>properties</b> (1)	<b>rate</b> (3)	<b>refresh</b> (6)
<b>presented</b> (7)	<b>property</b> (1)	<b>reach</b> (4)	<b>refusal</b> (1)
<b>preservation</b> (4)	<b>proposed</b> (3)	<b>reached</b> (5)	<b>refuse</b> (2)
<b>preserve</b> (4)	<b>proposing</b> (2)	<b>reacted</b> (1)	<b>refused</b> (4)
<b>preserved</b> (6)	<b>protect</b> (1)	<b>read</b> (13)	<b>refusing</b> (2)
<b>President</b> (10)	<b>protected</b> (3)	<b>readdress</b> (1)	<b>regard</b> (1)
<b>press</b> (12)	<b>protocol</b> (1)	<b>reading</b> (6)	<b>regarding</b> (49)
<b>pressuring</b> (1)	<b>protocols</b> (2)	<b>ready</b> (2)	<b>regardless</b> (2)
<b>pretty</b> (10)	<b>provide</b> (4)	<b>real</b> (13)	<b>regards</b> (3)
<b>prevent</b> (1)	<b>provided</b> (10)	<b>realize</b> (2)	<b>registered</b> (2)
<b>previous</b> (3)	<b>prude</b> (1)	<b>realized</b> (2)	<b>registration</b> (2)
<b>PREVIOUSLY</b> (18)	<b>PTO</b> (1)	<b>really</b> (20)	<b>regular</b> (2)
<b>Price</b> (10)	<b>Public</b> (3)	<b>realm</b> (1)	<b>regularly</b> (1)
<b>prime</b> (2)	<b>publicly</b> (2)	<b>rearrange</b> (1)	<b>rehash</b> (1)
<b>principles</b> (1)	<b>pull</b> (4)	<b>reason</b> (27)	<b>relate</b> (2)
<b>printed</b> (7)	<b>pulled</b> (2)	<b>reasonable</b> (6)	<b>related</b> (19)
<b>printers</b> (3)	<b>pulling</b> (1)	<b>reassessment</b> (6)	<b>relates</b> (8)
<b>prior</b> (53)	<b>purchase</b> (3)	<b>rebuild</b> (4)	<b>relation</b> (1)
<b>priorly</b> (1)	<b>purports</b> (1)	<b>rebuilt</b> (2)	<b>relations</b> (1)
<b>prison</b> (2)	<b>purpose</b> (3)	<b>recall</b> (81)	<b>relationship</b> (4)
<b>private</b> (1)	<b>purposes</b> (16)	<b>recalled</b> (10)	<b>relative</b> (1)
<b>priveledged</b> (1)	<b>pursuing</b> (1)	<b>recalling</b> (1)	<b>relay</b> (1)
<b>privilege</b> (2)	<b>purview</b> (1)	<b>receipt</b> (3)	<b>relayed</b> (2)
<b>privileged</b> (6)	<b>put</b> (48)	<b>receive</b> (11)	<b>release</b> (12)
<b>privy</b> (2)	<b>puts</b> (1)	<b>received</b> (38)	<b>relevant</b> (1)
<b>Probably</b> (42)	<b>putting</b> (7)	<b>receiving</b> (6)	<b>relied</b> (3)
<b>problem</b> (8)	<b>&lt; Q &gt;</b>	<b>receptionist</b> (2)	<b>relief</b> (1)
<b>problems</b> (2)			<b>relocating</b> (1)

remain (4)  
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 Shlanta's (1)  
 shocking (1)



<b>shortly</b> (6)	<b>Sorry</b> (76)	<b>stenographic</b> (1)	<b>suppose</b> (3)
<b>shot</b> (3)	<b>sort</b> (10)	<b>step</b> (6)	<b>supposed</b> (4)
<b>show</b> (10)	<b>sound</b> (2)	<b>stepped</b> (3)	<b>Sure</b> (45)
<b>showed</b> (5)	<b>sounds</b> (3)	<b>steps</b> (6)	<b>suspect</b> (1)
<b>shown</b> (1)	<b>space</b> (2)	<b>Stevens</b> (1)	<b>suspended</b> (1)
<b>shows</b> (1)	<b>spaces</b> (2)	<b>stint</b> (5)	<b>suspension</b> (1)
<b>shredded</b> (3)	<b>speak</b> (26)	<b>stipulations</b> (2)	<b>sustained</b> (1)
<b>shut</b> (4)	<b>speaker</b> (1)	<b>stop</b> (4)	<b>swear</b> (1)
<b>shutting</b> (1)	<b>speaking</b> (4)	<b>stopped</b> (4)	<b>swipe</b> (2)
<b>sick</b> (2)	<b>speaks</b> (1)	<b>stories</b> (1)	<b>switch</b> (1)
<b>side</b> (5)	<b>special</b> (1)	<b>story</b> (1)	<b>sworn</b> (1)
<b>sign</b> (6)	<b>SPECIALIST</b> (1)	<b>Stottlemeyer</b> (13)	<b>synopsis</b> (1)
<b>signature</b> (13)	<b>specific</b> (7)	<b>Stottlemeyer's</b> (1)	< T >
<b>signatures</b> (14)	<b>specifically</b> (15)	<b>Street</b> (6)	<b>table</b> (2)
<b>signed</b> (10)	<b>speculate</b> (2)	<b>stress</b> (1)	<b>take</b> (54)
<b>significant</b> (3)	<b>speculative</b> (1)	<b>Strike</b> (20)	<b>taken</b> (9)
<b>silly</b> (1)	<b>spoke</b> (21)	<b>strongly</b> (1)	<b>talk</b> (32)
<b>similar</b> (8)	<b>spoken</b> (4)	<b>Stroudsburg</b> (1)	<b>talked</b> (19)
<b>similarities</b> (1)	<b>spot</b> (16)	<b>struggle</b> (1)	<b>talking</b> (16)
<b>similarly</b> (3)	<b>spots</b> (8)	<b>struggled</b> (1)	<b>talks</b> (2)
<b>simple</b> (2)	<b>St</b> (1)	<b>stuck</b> (1)	<b>tasks</b> (2)
<b>simply</b> (5)	<b>stack</b> (20)	<b>stuff</b> (1)	<b>tax</b> (115)
<b>Sing</b> (2)	<b>staff</b> (7)	<b>submit</b> (7)	<b>team</b> (4)
<b>singing</b> (1)	<b>stamp</b> (5)	<b>submits</b> (2)	<b>tears</b> (1)
<b>single</b> (1)	<b>Stamped</b> (40)	<b>submitted</b> (7)	<b>technical</b> (1)
<b>sit</b> (4)	<b>Stan</b> (6)	<b>submitting</b> (1)	<b>TECHNICIAN</b> (4)
<b>sits</b> (1)	<b>stand</b> (1)	<b>subordinate</b> (2)	<b>technological</b> (2)
<b>sitting</b> (4)	<b>standing</b> (1)	<b>subpoena</b> (1)	<b>telephone</b> (3)
<b>situated</b> (1)	<b>Stanley</b> (1)	<b>subsequent</b> (8)	<b>telephonic</b> (1)
<b>situation</b> (4)	<b>stapled</b> (4)	<b>substance</b> (1)	<b>telephonically</b> (2)
<b>situations</b> (1)	<b>start</b> (15)	<b>success</b> (2)	<b>tell</b> (62)
<b>six</b> (7)	<b>started</b> (21)	<b>succession</b> (1)	<b>telling</b> (7)
<b>sixth</b> (2)	<b>starting</b> (2)	<b>suffered</b> (1)	<b>tells</b> (1)
<b>Sky</b> (3)	<b>starts</b> (1)	<b>sufficient</b> (4)	<b>ten</b> (3)
<b>sleeping</b> (2)	<b>State</b> (21)	<b>suggest</b> (3)	<b>term</b> (1)
<b>slightly</b> (1)	<b>stated</b> (4)	<b>suggested</b> (2)	<b>terminate</b> (3)
<b>slip</b> (1)	<b>statement</b> (4)	<b>suggestion</b> (3)	<b>terminated</b> (8)
<b>smartest</b> (1)	<b>statements</b> (1)	<b>Suite</b> (3)	<b>termination</b> (18)
<b>SMITH</b> (319)	<b>STATES</b> (20)	<b>summary</b> (2)	<b>terms</b> (2)
<b>smooth</b> (1)	<b>state's</b> (1)	<b>summertime</b> (1)	<b>test</b> (1)
<b>snapped</b> (1)	<b>stating</b> (2)	<b>supervised</b> (2)	<b>tested</b> (3)
<b>social</b> (2)	<b>status</b> (7)	<b>supervisor</b> (21)	<b>testified</b> (22)
<b>solicited</b> (1)	<b>statute</b> (2)	<b>supervisors</b> (5)	<b>testify</b> (6)
<b>soliciting</b> (1)	<b>statutorily</b> (1)	<b>supplement</b> (1)	<b>testifying</b> (3)
<b>solicitor</b> (3)	<b>statutory</b> (1)	<b>supplied</b> (1)	<b>testimony</b> (24)
<b>Solicitor/risk</b> (1)	<b>stay</b> (4)	<b>supplies</b> (1)	<b>text</b> (14)
<b>somebody</b> (5)	<b>stayed</b> (2)	<b>supply</b> (1)	<b>texted</b> (3)
<b>someone's</b> (2)	<b>STEB</b> (22)	<b>support</b> (4)	<b>texting</b> (1)
<b>somewhat</b> (2)	<b>steep</b> (1)	<b>supporter</b> (1)	

<b>Thank</b> (24)	<b>township</b> (1)	<b>Uh-huh</b> (3)	<b>versus</b> (3)
<b>thanks</b> (3)	<b>tracing</b> (1)	<b>unable</b> (1)	<b>veterans</b> (1)
<b>theirs</b> (1)	<b>track</b> (2)	<b>unacceptable</b> (1)	<b>vetoed</b> (1)
<b>thereabouts</b> (1)	<b>trail</b> (2)	<b>unaccompanied</b> (3)	<b>VIDEO</b> (9)
<b>thereof</b> (1)	<b>trained</b> (1)	<b>unannounced</b> (5)	<b>VIDEOGRAPHER</b>
<b>thereto</b> (2)	<b>training</b> (37)	<b>unaware</b> (2)	(15)
<b>the's</b> (1)	<b>transcribe</b> (1)	<b>unbelievable</b> (1)	<b>videos</b> (1)
<b>thing</b> (16)	<b>transcribed</b> (1)	<b>uncomfortable</b> (13)	<b>VIDEOTAPE</b> (1)
<b>things</b> (25)	<b>TRANSCRIPT</b> (4)	<b>undermining</b> (1)	<b>view</b> (3)
<b>think</b> (205)	<b>transfer</b> (3)	<b>understand</b> (63)	<b>viewed</b> (1)
<b>thinking</b> (6)	<b>transferred</b> (4)	<b>understanding</b> (12)	<b>Villanova</b> (1)
<b>thinks</b> (1)	<b>transfers</b> (3)	<b>understood</b> (7)	<b>violate</b> (1)
<b>third</b> (3)	<b>transition</b> (2)	<b>unemployment</b> (8)	<b>violated</b> (3)
<b>third-party</b> (3)	<b>transitioned</b> (2)	<b>unescorted</b> (1)	<b>violation</b> (3)
<b>thought</b> (53)	<b>transitions</b> (1)	<b>unhappy</b> (1)	<b>Virginia</b> (1)
<b>thoughts</b> (2)	<b>transpire</b> (1)	<b>uniform</b> (1)	<b>virtual</b> (5)
<b>threat</b> (1)	<b>treasurers</b> (5)	<b>Uninvited</b> (2)	<b>visit</b> (4)
<b>threaten</b> (3)	<b>treasurer's</b> (5)	<b>union</b> (7)	<b>visited</b> (1)
<b>threatened</b> (1)	<b>treat</b> (1)	<b>unique</b> (1)	<b>voiced</b> (1)
<b>three</b> (22)	<b>treatment</b> (1)	<b>UNITED</b> (3)	<b>volition</b> (3)
<b>three-year</b> (1)	<b>trial</b> (1)	<b>unmistakable</b> (1)	<b>VOLUME</b> (2)
<b>throws</b> (1)	<b>tried</b> (2)	<b>unnecessarily</b> (1)	<b>voluntary</b> (1)
<b>Tiffany</b> (4)	<b>Trifun</b> (4)	<b>unpack</b> (6)	<b>vote</b> (11)
<b>tight</b> (1)	<b>trigger</b> (1)	<b>unprofessional</b> (1)	<b>voted</b> (1)
<b>time</b> (192)	<b>trip</b> (1)	<b>unwise</b> (1)	<b>voting</b> (3)
<b>timely</b> (2)	<b>true</b> (11)	<b>upcoming</b> (2)	
<b>times</b> (16)	<b>Trump</b> (2)	<b>updated</b> (6)	< W >
<b>timing</b> (1)	<b>trust</b> (2)	<b>upfront</b> (1)	<b>wait</b> (8)
<b>title</b> (4)	<b>truth</b> (4)	<b>upper</b> (9)	<b>waited</b> (1)
<b>titles</b> (2)	<b>truthfully</b> (3)	<b>upset</b> (8)	<b>waiting</b> (1)
<b>Tobin</b> (5)	<b>truthfulness</b> (3)	<b>upstairs</b> (1)	<b>walk</b> (6)
<b>Tobin's</b> (1)	<b>try</b> (11)	<b>use</b> (5)	<b>walked</b> (3)
<b>today</b> (13)	<b>Trying</b> (22)	<b>uses</b> (1)	<b>wall</b> (1)
<b>today's</b> (15)	<b>turn</b> (12)	<b>usually</b> (1)	<b>Walnut</b> (2)
<b>told</b> (48)	<b>turned</b> (4)	<b>utilize</b> (1)	<b>wand</b> (3)
<b>Tom</b> (1)	<b>turner</b> (2)	<b>utilized</b> (3)	<b>wanded</b> (3)
<b>tomorrow</b> (1)	<b>Turning</b> (3)	<b>utilizing</b> (1)	<b>wandering</b> (4)
<b>tonight</b> (4)	<b>twice</b> (4)		<b>want</b> (78)
<b>Tony</b> (4)	<b>Twigg</b> (115)	< V >	<b>wanted</b> (38)
<b>tool</b> (1)	<b>Twigg's</b> (13)	<b>vacancies</b> (1)	<b>wanting</b> (1)
<b>top</b> (14)	<b>two</b> (68)	<b>vacant</b> (1)	<b>warning</b> (8)
<b>topic</b> (3)	<b>type</b> (5)	<b>vacation</b> (4)	<b>warranted</b> (1)
<b>topics</b> (1)	<b>typed</b> (4)	<b>vacations</b> (1)	<b>wash</b> (1)
<b>Toshiba</b> (2)	<b>typical</b> (1)	<b>valid</b> (1)	<b>Washington</b> (1)
<b>Toshibas</b> (1)	<b>typist</b> (4)	<b>VANDERLIN</b> (1)	<b>wavered</b> (2)
<b>touched</b> (1)		<b>various</b> (1)	<b>way</b> (26)
<b>Tower</b> (15)	< U >	<b>vehicle</b> (1)	<b>weakness</b> (1)
<b>town</b> (1)	<b>U.S</b> (1)	<b>vehicles</b> (6)	<b>wear</b> (1)
<b>TOWNSEND</b> (7)	<b>ugly</b> (1)	<b>verbal</b> (5)	<b>weather</b> (1)

**website** (1)  
**Wednesday** (1)  
**week** (8)  
**weeks** (3)  
**weird** (4)  
**well** (141)  
**Wendy** (2)  
**Wendy's** (2)  
**went** (47)  
**we're** (30)  
**we've** (8)  
**whoa** (2)  
**whore** (1)  
**wife** (12)  
**wife's** (2)  
**wild** (1)  
**WILLIAM** (3)  
**Williamsport** (1)  
**willing** (9)  
**winter** (1)  
**wish** (3)  
**withdrew** (1)  
**WITNESS** (113)  
**witnesses** (1)  
**woman** (10)  
**women** (10)  
**word** (9)  
**wording** (1)  
**words** (12)  
**work** (135)  
**workday** (2)  
**worked** (23)  
**worker** (5)  
**workers** (1)  
**working** (38)  
**workplace** (9)  
**work-related** (1)  
**works** (2)  
**worried** (3)  
**worries** (1)  
**worse** (1)  
**worth** (1)  
**Would've** (1)  
**wow** (2)  
**write** (14)  
**writer** (6)  
**writes** (1)  
**write-up** (1)  
**writing** (3)

**written** (11)  
**wrong** (16)  
**wrote** (3)  
  
**< Y >**  
**Yeah** (34)  
**year** (25)  
**years** (24)  
**yell** (1)  
**yelled** (1)  
**young** (2)  
**youth** (6)  
**Yup** (3)  
  
**< Z >**  
**Zimmerman** (9)  
**Zimmerman's** (1)  
**zipper** (2)  
**Zoom** (18)  
**Zula** (17)